

**26<sup>th</sup> LEGISLATURE  
JOINT HOUSE-SENATE  
2012 CONFERENCE PROCEDURES FOR CERTAIN  
HOUSE AND SENATE BILLS CARRIED OVER  
FROM THE 2011 REGULAR SESSION**

The Senate and the House have agreed to the following special procedures for Committees on Conference during the 2012 Regular Session on the following bills:

SB 239, SD 2, HD 2 --Relating to the Hawaii Tobacco Settlement Special Fund;  
SB 699, SD 2, HD 2 -- Relating to the Office of Environmental Quality Control;  
SB 725, SD 2, HD 1 -- Relating to Solid Waste;  
SB 772, SD 2, HD 2 -- Relating to Biofuel Facilities;  
SB 809, SD 1, HD 1 -- Relating to the University of Hawaii;  
HB 608, HD 3, SD 1 -- Relating to Health;  
HB 905, HD 1, SD 1 -- Relating to Delivery of Government Services; and  
HB 1570, HD 2, SD 1 -- Relating to Agriculture.

These conference procedures shall not apply to a Committee on Conference on any other bill.

These conference procedures shall be effective from noon on January 18, 2012 until 6:00 p.m. on January 27, 2012.

1. **Definitions**

For purposes of these procedures:

"Chairs" refers to all of the designated chairs and co-chairs of a Conference Committee.

"Conference Committee" refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular measure.

"Lead chair" refers to the chair of the House Committee or the Senate Committee who is listed first on the final Action Sheets, dated sine die of the Regular Session of 2011.

"Lead committee staff" refers to the staff of the lead Chair from the chamber from which the measure in conference originated.

"Managers" refers to all members of the House and Senate assigned to a Conference Committee.

2. **Conference Committee Scope and Amendments**

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a measure. Accordingly:

- a. A Conference Committee shall not amend a measure by inserting any unrelated or new subject matter.
- b. To assure the integrity of individual measures, the merging of two or more distinct but related measures into one encompassing measure shall not be allowed.

3. **Conference Committee Meeting Times and Place**

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 6:00 p.m.

A Conference Committee shall meet in the conference room identified in the meeting notice posted pursuant to section 4 or 5, as applicable.

The lead chair from the body in which the subject bill originated shall be responsible for reserving the conference room in which the Conference Committee is to meet. The lead chair shall make the reservation in accordance with procedures specified by the presiding officer of the lead chair's house.

4. **Initial Public-Meeting Notice**

The signatures of all chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice. Lead chairs from both houses are encouraged to sign meeting notices first, before distributing them to other chairs to sign.

Chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee, and are strongly encouraged to provide more than 24 hours notice if at all possible. Written notices shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official postings. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

5. **Notice of Subsequent Meetings**

- a. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet again before 6:00 p.m. on the same day, the lead chairs of both chambers shall publicly announce at the meeting the time and place at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However,

written notice containing information on the subsequent meeting shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting as soon as possible. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.

- b. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet on another day, the lead chairs of both chambers shall publicly announce at the meeting the date(s), time(s), and place of the subsequent meeting(s), and submit written notice to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting. The lead committee staff shall post notice adjacent to the door of the assigned conference room at the time of the meeting.
- c. If agreement is not reached at a duly noticed meeting and the date(s), time(s), and place of future meetings are not publicly announced at that noticed meeting, chairs shall ensure that a written meeting notice, signed by the lead chairs of their respective chamber, is submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting at least 24 hours in advance of the next meeting of the Conference Committee.

6. **Conference Room Notice**

The lead committee staff shall post notices of Conference Committee meetings adjacent to the door of the assigned conference room at the time of the meeting.

7. **Attendance at Meetings**

Except as otherwise provided in these procedures, attendance requirements shall be established by the respective chamber.

8. **Conference Discussion**

Except as authorized by the respective chairs, only the respective chairs may speak during conference. All other managers or other authorized persons shall be recognized by their respective chairs before speaking on any issue.

9. **Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers**

- a. Managers shall respect the differing views of other managers and conduct themselves in a courteous manner.
- b. Chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee shall have the names of the absent chairs paged through the State Capitol public address system.
- c. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the managers and members of the public present that the Conference Committee cannot be convened or reconvened, and that, pursuant to section 5c, a 24-hour advance notice shall be provided for a subsequent meeting of the Conference Committee.

10. **Decision-making Meeting**

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

- a. A quorum of the Conference Committee shall be present for the decision making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the Conference Committee for their respective chamber.
- b. To report a measure out of Conference Committee in amended form, Conference Draft (CD), a majority of the quorum of managers for each respective chamber shall vote in favor of the proposed amendments.
- c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Sample attached).
- d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agree to the amendments made by the non-originating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee shall vote on the measure, returning it to the House in its SD form. For such action, only a quorum of the Conference Committee managers representing the chamber from which the measure originated need to be present. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

11. **Conference Committee Reports**

- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee Report on behalf of their respective managers; provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signature of the chair (or the chair's designee) of each fiscal committee to which the measure is referred. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.
- b. All House measures reported out of Conference Committee shall be filed with the House Chief Clerk and likewise all Senate measures shall be filed with the Senate Chief Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other

[illegible]

**26<sup>th</sup> LEGISLATURE  
JOINT HOUSE-SENATE  
2012 COMMITTEES ON CONFERENCE PROCEDURES**

The Senate and the House have agreed to the following special procedures for all 2012 Regular Session Committees on Conference. These Conference procedures shall be effective from 8:00 a.m. on April 16, 2012 until 12 midnight on April 27, 2012.

1. **Definitions**

For purposes of these procedures:

"Chairs" refers to all of the designated chairs and co-chairs of a Conference Committee.

"Conference Committee" refers to the conference of the House Committee and the Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular measure.

"Lead chair" refers to the chair of the House Committee or the Senate Committee who is listed first on the Action Sheets, as provided by the respective chamber.

"Lead committee staff" refers to the staff of the lead Chair from the chamber from which the measure in conference originated.

"Managers" refers to all members of the House and Senate assigned to a Conference Committee.

2. **Conference Committee Scope and Amendments**

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House drafts of a measure. Accordingly:

- a. With the exception of the Executive Budget, the Judiciary Budget, and the Budget of the Office of Hawaiian Affairs, a Conference Committee shall not amend a measure by inserting any unrelated or new subject matter.
- b. To assure the integrity of individual measures, the merging of two or more distinct but related measures into one encompassing measure shall not be allowed.

3. **Conference Committee Meeting Times and Places**

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 12:00 midnight.

A Conference Committee shall meet in the conference room assigned or reserved, pursuant to the Room Scheduling Procedures and Guidelines and Room Assignment Schedule, as attached.

4. **Initial Public-Meeting Notice**

The signatures of all chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice. Lead chairs from both houses are encouraged to sign meeting notices first, before distributing them to other chairs to sign.

Chairs shall provide at least 24 hours public notice of the first meeting of the Conference Committee and are strongly encouraged to provide more than 24 hours notice if at all possible. Written notices shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official postings on the Legislature's website and Capitol bulletin boards. The lead committee staff shall post the notice adjacent to the door of the assigned conference room at the time of the meeting.

5. **Notice of Subsequent Meetings**

- a. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet again before midnight on the same day, the lead chairs of both chambers shall publicly announce at the meeting the time and place at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting as soon as possible. The lead committee staff shall post the notice adjacent to the door of the assigned conference room at the time of the meeting.
- b. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet on another day, the lead chairs of both chambers shall publicly announce at the meeting the date(s), time(s), and place of the subsequent meeting(s), and submit written notice to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting. The lead committee staff shall post the notice adjacent to the door of the assigned conference room at the time of the meeting.
- c. If agreement is not reached at a duly noticed meeting and the date(s), time(s), and place of future meetings are not publicly announced at that noticed meeting, chairs shall ensure that a written meeting notice, signed by the lead chairs of their respective chamber, is submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting at least 24 hours in advance of the next meeting of the Conference Committee.

**6. Attendance at Meetings**

Except as otherwise provided in these procedures, attendance requirements shall be established by the respective chamber.

**7. Conference Discussion**

Except as authorized by the respective chairs, only the respective chairs may speak during conference. All other managers or other authorized persons shall be recognized by their respective chairs before speaking on any issue.

**8. Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers**

- a. Managers shall respect the differing views of other managers and conduct themselves in a courteous manner.
- b. Chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee shall have the names of the absent chairs paged through the State Capitol public address system.
- c. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the managers and members of public present that the Conference Committee cannot be convened or reconvened, and that, pursuant to 5c of these Committees on Conference Procedures, a 24-hour advance notice shall be provided for a subsequent meeting of the Conference Committee.

**9. Decision-making Meeting**

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

- a. A quorum of the Conference Committee shall be present for the decision making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the Conference Committee for their respective chamber.
- b. To report a measure out of Conference Committee in amended form, Conference Draft (CD), a majority of the quorum of managers for each respective chamber shall vote in favor of the proposed amendments.
- c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Sample attached).
- d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agree to the amendments made by the non-originating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee shall vote on the measure, returning it to the House in its SD form. For such action, only a quorum of the Conference Committee managers representing the chamber from which the measure originated need to be present. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

**10. Conference Committee Reports**

- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by signing the Conference Committee Report on behalf of their respective managers; provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the signature of the chair (or the chair's designee) of each fiscal committee to which the measure is referred. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.
- b. All House measures reported out of Conference Committee shall be filed with the House Chief Clerk and likewise all Senate measures shall be filed with the Senate Chief Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only the original Conference Committee Report, with the attached Record of Votes, and the Conference Draft of the measure shall be required for filing.

**11. Decision-making Deadlines**

On the deadline nights for Final Decking of both non-fiscal and fiscal bills:

- a. Conference Committees shall conclude their negotiations by **6:00 p.m.** to allow adequate time for final preparation of the bills and Conference Committee Reports.
- b. To provide all chairs with ample opportunity to review and sign the Conference Committee Reports before filing, all Conference Committee Reports shall be available for review and signature by **9:00 p.m.**
- c. All Conference Committee Reports and Conference Drafts of measures shall be filed with the respective Chief Clerk by **11:30 p.m.**

**12. Electronic Transfer**

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall

apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

13. **Exceptions to these Deadlines and Procedures**

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.

/s/ Shan S. Tsutsui  
Shan S. Tsutsui  
President of the Senate  
4/9/11 [sic]  
Date

/s/ Calvin K.Y. Say  
Calvin K.Y. Say  
Speaker of the House of Representatives  
4/11/12  
Date

**2012 Legislative Session House-Senate  
Conference Committee Room Scheduling Procedures and Guidelines**

Effective beginning at 8:00 a.m. on April 16, 2012 through 12 midnight on April 27, 2012, the following scheduling procedures and guidelines shall apply for all House and Senate conference rooms.

Priority for use of the conference rooms will be given in the following order:

1st Priority:	Standing Committee Bill Hearings
2nd Priority:	Conference Committee Meetings
3rd Priority:	Committee Hearings for Resolutions and Governor's Messages

Please note the following procedures and guidelines for the use of rooms for conference purposes:

1. If your committee is designated to use one of the House conference rooms (i.e., rooms 309, 312, 325, 329 or 423), please contact Rodney Haena of the House Sergeant-at-Arms' office at 586-6104 to reserve the room.
2. If your committee is designated to use one of the Senate conference rooms (i.e., rooms 016, 224, 225 or 229), please contact Senator Kouchi's office at 586-6030 to reserve the room.
3. Committees assigned to a specific conference room will be given first priority in using that particular room for conference committee meetings.
4. Committees may not "sublease" their assigned rooms for allotted times to another committee. All room assignments must be coordinated through and made by either the House Sergeant-at-Arms or Senator Kouchi's office.
5. For those committees that must share assigned conference rooms, it is strongly recommended that you meet as soon as possible with other committee chairs who are also assigned to that room to formulate a basic timetable for sharing the room.
6. In consideration of the other committee chairs, do not reserve a block of specific times unless a timetable has been agreed to.
7. If you have reserved a particular time slot that subsequently you will not be using, please notify either the House Sergeant-at-Arms or Senator Kouchi's office as soon as possible so that those room times can be assigned to someone else if needed.
8. If your conference committee needs to meet, but your assigned room is reserved or in use by one of the other committees also assigned to that room, please contact either the House Sergeant-at-Arms or Senator Kouchi's office to locate a vacant conference room for your temporary use.
9. Conference committees are encouraged to give as much advanced notice of meetings as possible. However, since things do get very hectic during conference, please be aware that any lower priority room requests may be "bumped" or reassigned with only a short notice. Hopefully, these inconveniences will be kept to a minimum.
10. Exception to these House-Senate Conference Committee Room Scheduling Procedures and Guidelines may only be made with the joint approval of President Shan S. Tsutsui and Speaker Calvin K.Y. Say.

/s/ Shan S. Tsutsui  
Shan S. Tsutsui  
President of the Senate  
4/9/12  
Date

/s/ Calvin K.Y. Say  
Calvin K.Y. Say  
Speaker of the House of Representatives  
4/11/12  
Date

**2012 Legislative Session  
House-Senate Conference Committee  
Room Assignment Schedule**

Conference room assignments for the 2012 House-Senate Conference Committee Meetings are as follows:

<u>Senate Committee(s)</u>	<u>House Committee(s)</u>	<u>Meeting Room</u>
CPN	CPC	016
AGL, WLH	AGR, HSG, WLO	224
TIA, ENE	TRN, EEP, INT	225
HTH, HMS	HLT, HUS	229
WAM	FIN, LMG	309
PGM, HWN	PBM, HAW	312
JDL	JUD, LAB	325
EDU	EDN, HED	329
EDT, TSM	ERB, TOU, CUA	423

/s/ Shan S. Tsutsui  
Shan S. Tsutsui  
President of the Senate  
4/9/12  
Date

/s/ Calvin K.Y. Say  
Calvin K.Y. Say  
Speaker of the House of Representatives  
4/11/12  
Date

**"HOUSE OF REPRESENTATIVES  
STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813**

April 10, 2012

**MEMORANDUM**

TO: All House Members  
FROM: Speaker Calvin K.Y. Say /s/  
SUBJECT: Attendance of House Chairs and Managers at Conference Meetings

This memorandum refers to the "Joint House-Senate 2012 Conference Procedures".

Section 6 of the "Procedures" requires each chamber to establish its own requirement regarding attendance of its conference committee managers at conference committee meetings. The following shall apply to House conference committee managers.

To convene the initial or any subsequent meeting of a conference committee, only the lead House chair must be present. All other House conference committee managers, especially any co-chair, should attempt to be present at the convening of and during each meeting.

For decision-making at a meeting, a quorum must be present. "A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include a majority of the chairs of the Conference Committee for their respective chamber." See Section 9.A of the "Procedures." The lead House chair of the conference committee must be part of this quorum.

For a measure with fiscal implications, the chair representing the House Finance Committee is encouraged to be present during the decision-making on the measure.

If you have any questions, please feel free to contact me or the House Majority Leader.

cc: Senate President Shan S. Tsutsui  
House Chief Clerk C.J. Leong  
House Sergeant-At-Arms Kevin Kuroda  
House Majority Staff Office Director Joan Yamaguchi  
House Minority Staff Office Director Beth Fukumoto"