

LEGISLATIVE PROCESS

The legislative timetable determines the pace of the legislative session. It sets forth a series of hurdles or deadlines that all measures must meet. The rules of this game are firm: a measure is "dead" if it fails to meet the deadlines established by the legislative timetable.

The legislative timetable must be jointly approved by the Speaker of the House and the President of the Senate. This is the official calendar of the Legislature. Because the timetable specifies various deadlines in chronological order, the timetable may be somewhat confusing at first glance. However, if you keep in mind that the timetable represents the cumulative deadlines for various types of measures, from budget bills to substantive resolutions, then the timetable will be easier to understand. The categories of major deadlines in the legislative timetable include the following:

- Deadlines set by the Hawaii State Constitution; and
- Deadlines set by agreement between the House and the Senate.

Visualizing the legislative timetable as consisting of these different types of deadlines may help you to understand the legislative process and to prepare for legislative deadlines.

Keep in mind that these are only deadlines. In actuality, bills can go through the legislative process quickly. For example, for legislative-session staff to be paid on a timely basis, the bill providing for legislative expenditures must be approved by the Legislature and signed into law during the beginning weeks of session.

The following section discusses in greater detail each of the deadlines that could be included in the legislative timetable.

OPENING DAY

This day marks the official commencement of a new legislative session. Article III, section 10, of the Hawaii State Constitution states, "The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January."

BILL CUTOFF: LAST DAY TO INTRODUCE BILLS

During the 1984 General Election, voters approved a proposal to delete a constitutional requirement mandating the cutoff date for bill introduction to be after the 19th day of the session. As a result, the Legislature now has the flexibility to establish the deadline for introducing bills.

Both houses of the Legislature may set additional deadlines before Bill Cutoff that affect the introduction of bills, such as a deadline after which the number of bills each legislator may introduce per day is limited.

FIRST LATERAL: LAST DAY TO MOVE BILLS TO A FINAL COMMITTEE

Most bills are referred to more than one committee. If the lead referral committee decides to move a measure out of committee, then the measure must go to the next referral committee for further consideration. To ensure that all referral committees have time to review the bill, a "lateral" deadline is established ("lateral" because the bills move "sideways"--from one committee to another within each house--rather than "forward" from the House to the Senate or vice versa). Bills with more than one referral must move to the final committee by this date to remain alive.

There are two bill lateral deadlines for each house during session. First Lateral refers to the deadline by which all bills with more than one referral in the house of origin must move to their final referral committees. Second Lateral refers to the deadline by which all bills that have crossed over from one house to the other and have been given more than one referral must move to their final referral committees in their respective houses.

Not all standing committees serve as final referral committees. Traditionally, the House Committees on Finance; Judiciary; and Consumer Protection and Commerce; and the Senate Committees on Ways and Means; Judiciary and Government Operations; and Commerce and Consumer Protection serve as final referral committees. The remaining standing committees usually receive first or second referral assignments.

MANDATORY FIVE-DAY RECESS

The mandatory recess runs for five consecutive days and is intended to encourage the public to review the bills still moving through the Legislature. It provides legislators an opportunity to schedule public meetings in their districts to brief their constituents on the major issues facing the Legislature. No formal floor action takes place during this recess.

In addition to the Mandatory Recess, the Legislature may schedule additional recess days anywhere in the legislative timetable.

FIRST DECKING: LAST DAY TO DECK BILLS FOR THIRD READING IN THE ORIGINAL HOUSE

Decking refers to the time when a bill in the final form in which it is intended to be passed is made available to members of the Legislature (i.e., "Decking"--placed on the deck) for 48 hours prior to being voted on for passage. Any bill not submitted in its final form by the decking deadline no longer can be considered for passage during the session.

However, bills introduced during the session of an odd-numbered biennium year (e.g., the 2009 session) that fail to meet this deadline can be considered again during the session of an even-numbered biennium year (e.g., the 2010 session). That means all bills introduced in the 2009 session that did not become law can still be considered in the 2010 session.

FIRST CROSSOVER: LAST DAY FOR THIRD READING OF BILLS IN THE ORIGINATING HOUSE

This is the deadline for bills to pass Third Reading and then move (or "cross over") to the other house for consideration. For this reason, this is called the crossover deadline. First Crossover is the last day for a final vote to be taken in the house of origin before passing a bill on to the second house. Second Crossover is the last day for a final vote in the non-originating house. Remember, bills can cross over before this deadline.

SECOND LATERAL

All Senate bills with House referrals, and all House bills with Senate referrals, must move to their final referral committees by Second Lateral to remain alive.

SECOND DECKING: LAST DAY TO DECK BILLS AMENDED BY THE RECEIVING (NON-ORIGINATING) BODY

Because we have a bicameral system, if one house amends a measure, the other house must have the opportunity to agree or disagree with the amendments made by that house. The convening of a House-Senate conference committee is used to resolve differences if there is formal disagreement. To provide sufficient time for the house that drafted the bill to consider the other body's amendments and, if necessary, to convene a conference committee, this deadline is set to deck all bills that were amended by the non-originating (or receiving) house.

SECOND CROSSOVER: LAST DAY FOR THIRD READING OF BILLS AMENDED BY THE RECEIVING (NON-ORIGINATING) BODY

Second Crossover is the deadline by which all bills amended by the non-originating body are returned to the chamber from which they originated. At least forty-eight hours must have elapsed from the time these bills were decked. The only bills that need not comply with this deadline are bills that have not been amended by the non-originating body because they need not return to the originating body.

DISAGREE: LAST DAY TO DISAGREE WITH THE OTHER CHAMBER'S DRAFTS OF BILLS

Either house can agree or disagree to the amendments made to its bill by the non-originating body. If either house chooses to disagree, it must do so by this deadline.

CROSSOVER: LAST DAY TO PASS CONCURRENT RESOLUTIONS TO THE NON-ORIGINATING BODY

For concurrent resolutions to remain alive, they must be adopted in their originating houses by this deadline. If adopted, these concurrent resolutions then cross over to the other house for further consideration.

FINAL DECKING: LAST DAY TO DECK BILLS FOR FINAL READING

The Final Decking deadline applies to bills amended by the non-originating body and whose differences have been resolved either by a conference committee or reconsideration by the originating body.

ADJOURNMENT SINE DIE

This is the last day for votes to be taken on bills up for Final Reading and on resolutions up for adoption. It is the last day of session.

SUMMARY

This overview of the legislative timetable gives you a general idea of when you can expect the workload of the Legislature to escalate. Actual work schedules will depend on your individual interests and responsibilities as a spectator or lobbyist. Therefore, use the information contained in this section only as a general guide to predict the Legislature's workload over the course of the session.