

CONFERENCE COMMITTEES - OPERATION AND PROCEDURES

This memorandum describes the rules relating to the formation and operation of conference committees, which primarily are provided under Joint Rule 301 and relevant sections of *Mason's Manual of Legislative Procedure*, which governs if applicable.

OVERVIEW

To become law, a bill must be passed by both houses in the same form. Under Senate and House Rules 351, upon the return of a measure amended by the other house, the presiding officer refers the measure to the chairman of the standing committee that reported the measure. If the recommendation of the chairman is to not concur and to appoint a conference committee, the Majority Leader is to appoint a conference committee pursuant to Joint Rule 306. By tradition, the Majority Leader of each house appoints a conference committee of three members from that house who in the Senate, by tradition are recommended by the standing committee chairman, and who in the House, under House Rule 512, are recommended by the committee chairman. The first-named member in each house is the chairman of that house's conference committee. Both committees meet jointly to confer with respect to the bill for which the committees were appointed.

FORMATION AND MEETINGS

The general procedures governing conference committee formation and meetings are:

- Each house appoints three members to a conference committee for a particular measure (*Mason's*, Section 769).
- **Membership of a conference committee traditionally consists of a majority of the committee from the prevailing side in the controversy and a representative from the minority, if any (*Mason's*, Section 769).**
- A conference committee must meet within 2 legislative days of appointment at the hour and place agreed on by the chairmen (Joint Rule 301).
- A conference committee consisting of members from a 3-day committee must meet on Mondays, Wednesdays, and Fridays, and on other days as the chairmen deem necessary (Joint Rule 301).
- A conference committee consisting of members from a 2-day committee must meet on Tuesdays and Thursdays, and on other days as the chairmen deem necessary (Joint Rule 301).
- The time and place of meeting must be posted before the meeting or must be announced to the respective houses (Joint Rule 301).
- The chairman of the conference committee representing the house of origin of the measure under consideration is to ensure minutes of meetings of the committee are kept in the same manner as standing committee minutes. The committee clerk of the committee in the house of origin which heard the bill provides staffing services to the conference committee and prepares the minutes and the conference committee report.

OPERATION AND RECOMMENDATIONS

The general procedures governing conference committee operations and recommendations are:

- Conference committees must confine recommendations to consideration of the general differences that gave rise to appointment of the committees (Joint Rule 301).
- A conference committee has four options for recommendations. A conference committee may recommend:
 - The chamber of origin accept the second chamber's amendments;
 - The second chamber reject its amendments;
 - The conference committee replace the second chamber's amendments with a new set of amendments crafted by the conference committee; **or**
 - The conference committee be discharged and new conference committee be appointed because the conference committee is unable to come to an agreement.
- A report of a conference committee must be approved by at least two members **of each house** (a conference committee of both houses meeting together is not a joint committee but a joint meeting of two committees, thus a quorum of a conference committee is a majority of the members of **each** committee and the report of a conference committee must be approved by at least two members from **each** house) (*Mason's*, Sections 770 and 772).

- If the conference committees are not able to come to an agreement and have not submitted a report, the Majority Leader of that house may replace the members of that conference committee.

REPORTS AND ACTION

The general procedures governing conference committee reports are:

- A conference committee report is submitted first to the house having possession of the measure (the house of origin).
- If a house refuses to adopt the report of the conference committee, the Majority Leader of that house may replace the members of that conference committee.
- Neither the House nor the Senate may amend a conference committee report (Senate Rule/House Rule 333) or divide a conference committee report (Senate Rule/House Rule 603).
- The house of origin acts on the report first and, if appropriate, takes action on the measure.

For example, if the conference committee report on a Senate bill recommends the House reject its amendments and the Senate adopts the report, the Senate would not need to vote on the bill because the Senate has previously passed the bill without House amendments.

However, if the House adopts the report recommending the House reject its amendments, the House would need to both adopt the report **and** vote on the bill without the House amendments.

- After action on the report and, if appropriate, on the measure, the house having possession of the measure must transmit the measure to the other house for appropriate action.