COMMITTEES AND THE PUBLIC HEARING PROCESS

Committee Structure: The primary role of the Legislature is to make laws. In order to make that complicated process a bit more manageable, members of the House and Senate organize themselves into various committees. There are 16 of them in the Senate and 17 in the House, established by the organizational rules of the House and Senate. Committees are named for the program area that they are responsible for and vary in size and legislative scope. Besides being tasked with making decisions on specialized areas of legislative interests through the public hearing process, committees also have oversight responsibility to monitor state agencies and programs that fall under their purview. Committee memberships are based on proportional representation between the majority and minority parties. Majority leadership designates the chair, vice-chair, and majority members. The minority leadership designates the minority members on each committee. Committee appointments are determined by the caucuses informally and then confirmed by the respective chambers via resolution or announcement on the floor.

Power of the Chair: One of the ways committee chairs play a major role in the decision-making of the Legislature is their power to decide which measures to act on. Bills that are not scheduled for a hearing or decision-making will miss legislative deadlines and die. The chair also determines what action to take on the bills they hear, such as whether to hold a vote. When voting, the chair determines whether the vote is for the bill as is or with certain amendments. After passage, the chair is responsible for production of the amended draft of the bill and the accompanying committee report. In addition, chairs make expenditure recommendations to the money committee (WAM or FIN) for bills requiring appropriation that fall in the subject area of the chair's committee. They also have the power of "prior concurrence," which means their approval is required before a subsequent referral committee can make substantive changes to a bill if the subject matter is under the first committee's purview. These are some of the ways committee chairs wield power at the Capitol.

The Public Hearing Process: For a bill to become law in the State of Hawai'i, a bill must pass three readings (votes) on the floor of each chamber. But the process also asks that it move through every committee that it is referred to, and committees consider the bill at public hearings. House rule 11.5 (4) specifies that no bill shall be reported out of a committee unless it receives a public hearing, and Senate rule 23 (4) asks at least one Senate committee to hold a public hearing on a bill before it is passed out of the Senate. Public hearings are an integral part of the Legislature’s work at the Capitol and key to the public’s participation in the legislative process. They provide individuals and interest groups with an opportunity to share their thoughts, views, opinions, and perspectives on measures under consideration by a committee, and allow committees to gather information and publicly make recommendations on those measures.

After bills are introduced and go through their initial reading in their chamber of origin (or non-originating chamber after crossover) they are assigned to one or more committees by leadership in the House or Senate (depending on which chamber the bill is in). These assignments are known as referrals. Bills can have one or more referrals. The more referrals a bill has, the more difficult the road to passage becomes. Bills can also be referred to joint committees, two or more committees meeting together. The first committee a bill is referred to is known as the "subject matter committee" because the scope of that committee best covers the subject matter of the bill. For example, a House bill relating to
health insurance may be referred to the Health committee first, and then continues to Consumer Protection and Commerce or Finance.

Once committee referrals have been made, the committee chair can decide which bills to hear and issue hearing notices. Decisions on whether to hear a bill are based on a variety of factors, including but not limited to the perceived merits of a bill, public or political interest, requests from colleagues or the public, and the legislative timetable. The committee must file a public hearing notice at least 48 hours prior to the start of a hearing. This 48-hour notice is required to provide the public with enough time to prepare testimony and make plans to testify before the committee in person. (Note: In the Senate, the first referral committee publicly posts notice of meetings and decision-making sessions at least 72 hours before the meeting.) Hearing notice requirements can be waived by the Senate President or House Speaker on the chamber floor by request of a committee chair (or vice chair), although this is not a request that is made very often. Public hearing notices denote the date, time, and location of the hearing and include instructions on submitting testimony.

**Testimony and Decision Making:** At the hearing, the committee chair (or vice chair, in the chair's absence) calls on testifiers and listens to oral testimony on the bills listed on the hearing notice. Members can ask questions of testifiers as part of the fact-finding process. The committee also reviews all written testimony submitted. After the committee receives testimony on all bills on the hearing notice, they recess for decision-making. During the decision-making process, the chair and members discuss how they want to proceed. The chair will gavel the hearing back to order and make recommendations on what to do with the pending legislation. A bill can be passed unamended (with no changes,) passed with amendments (with changes,) deferred until a certain date/time (put off voting,) deferred indefinitely (put off voting indefinitely,) or tabled (killed.) The vice chair takes the votes of the committee members. Votes can only be taken if there is quorum (majority of the members present). Deferring a bill may allow the committee more time to consider it, gain consensus, or prepare an amended draft for the future vote by the committee. If a bill is deferred, the committee must bring the bill back for public decision-making to pass it. If not, the bill simply stays in that committee.

After the committee passes a bill, the chair's office is responsible for drafting the committee report and amendments (if any) and filing them with the chief clerk's office in enough time for the bill to meet legislative deadlines and move forward. These reports summarize the discussion in committee and include the findings and recommendations of the committee, including any amendments, for consideration by the chamber.

Committee staff help to make the whole process run smoothly and you'll see them working at quite a pace as hearings and legislative deadlines approach. Each chair and vice chair have a committee clerk working with them to help to take the lead in processing testimony, preparing for hearings, conducting research, and otherwise assisting with the work of the committee. Committee members also have staff who help them as they keep on top of the large volume of information and activity.

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