

Changes in Committee Workings Limit Public Input

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This week Kathleen writes about the changes to committee procedures within the Wisconsin Legislature in Madison and the resulting impact on public input in legislation. It is critical in a democracy that all voices have a chance to be heard.

MADISON - Committees are the doers of the Legislature. The process is designed to be slow, deliberative and encourage public input.

However, speed and secrecy are increasingly being used to limit public involvement and careful legislative deliberation.

Public hearings are one place people can make an impact on a developing new law. By testifying at a hearing, a person can directly provide input. Those who cannot travel to the Capitol can send emails or letters to members of a committee and request changes in legislation.

In recent years, small but significant changes are taking place in the workings of committees that limit public involvement. Changes like shortening the length of notice before a public hearing; providing a public notice of one version of a bill and then offering a complete rewrite shortly before the public hearing; limiting speaking time for those testifying; limiting questions from committee members; allowing “invited testimony only” in a public hearing or voting on a bill immediately following the public testimony.

All of these actions have been used for decades. But it is the increasing frequency by which

they are used that concerns many of my constituents.

Committee chairs have extraordinary power in their committee. They set rules by which public hearings are held. They decide whether and when to hold a hearing, whether the hearing receives enough public notice for widespread citizen involvement and who, if any, invited speakers might testify. During the hearing the chair determines the order of speakers and whether to limit speakers' time testifying.

Following the public hearing the committee chair decides if and when committee members will vote on the bill. Usually the process involves consultation with members. Discussion following a public hearing can involve back and forth conversation about new information made public during the hearing. When a substantial rewrite of the bill appears necessary, the committee chair sometimes convenes a working group to work through bill changes.

Thus correct language for new legislation emerges from a careful process of give and take. Members and the public have adequate time to prepare and concerns are addressed. This process is slow – so slow it sometimes involves several legislative sessions.

Speed and secrecy will kill public input. And changes in the actions of committee chairs can, over time, create a Legislature that listens primarily to the input of lobbyists, paid to represent the interest of their clients. Those voices without paid lobbyists are increasingly not heard, their concerns not addressed.

Inadequate notice of public hearings often means only those groups with a full-time lobbyist with an office close to the Capitol are able to testify. Short notice makes it difficult for committee members to understand details and consequences of a new law. Short notice makes it difficult for those opposed to attend.

Limiting testimony stifles debate and new information. Information gathered during a public hearing can be skewed by inviting only those in favor of legislation; or by limiting the input of those opposed.

For example, a recent public hearing was held in the Senate mining committee on a bill to limit local people's voices in sand mine operations. Many traveled by bus from western Wisconsin to testify. The first six hours of the testimony focused primarily on the concerns of those who benefited from the legislation – none of whom lived near a mine.

The committee chair finally got to calling the majority of those opposed to the legislation very late in the afternoon - after the bus had to leave taking many opposed to the bill back home.

These unfortunate scenarios are increasingly common in the state Capitol. When citizens take the time to journey to a public hearing and are not able to testify, they rightly feel left out of the process. It's easy then to give up.

This is a mistake. Despite the difficulty, citizens must continue to be engaged in the democratic process. When changes are made to limit public input, it is essential that people refused to be silenced.

As Bob La Follette, often said, "The only cure for the ills of democracy is more democracy."

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