

First International Conference of Parliamentary Legislative/Legal Affairs Committees

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Theory and Comparative Analysis

Prof. Dr. Felix Uhlmann



**Universität
Zürich^{UZH}**

Introduction



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Legislative Committees

1. Types of Legislative Committees

	What kind of Legislative Committees exist?
CH	Standing Committees, ad hoc Committees
USA	Standing Committees with Subcommittees; ad hoc Committees for specific legislation
F	Standing Committees, ad-hoc Committees



2. Composition of Legislative Committees I

	Which members of Parliament sit in Legislative Committees (bipartisan, multipartisan composition)? What is the election procedure?
CH	Multipartisan composition, reflecting the parliamentary group's strength (as well as languages and regions). Election by Bureau.
USA	Bipartisan composition, depending on party ratio. Election by "Committee on Committees". Chairman/-woman is from the majority party.
F	Multipartisan composition, reflecting the parliamentary group's strength. Proposition by the group to the President of the Assemblée.



3. Composition of Legislative Committees II

	Are members of the government/administration typically present in Legislative Committees?
CH	Yes, a member of the Federal Council and administrative staff is usually present.
USA	Rarely (during hearings attending is possible as they are open to the public).
F	Yes, government/administration is present in Legislative Committees. Ministers are to be heard if demanded and are free to attend.



4. Base of Work

	What is the typical base of work in the Legislative Committee?
CH	Typically a proposition of the government, less often a proposition from a member of Parliament.
USA	Typically a bill from a member of Congress, less often a proposition of the government/administration.
F	Typically a proposition of the government, less often a proposition from a member of Parliament.



5. Powers of Legislative Committees I

	May a Legislative Committee enact or change legislation by itself? May it change or dismiss propositions?
CH	No, only textual errors may be corrected by the Drafting Committee. The legislative committee has no power to dismiss a draft, its recommendations, however, are highly influential in practice for the plenary session.
USA	No. While in committee, bills may be amended or entirely rewritten. Bills are either assigned or refused further study (they "die").
F	No. Bills may be amended by Committees. In plenary sessions, only the committee's draft is discussed. The legislative committee may not terminate a proposition.

6. Powers of Legislative Committees II

	What investigative powers do Legislative Committees have, especially towards the government?
CH	Administration often provides information. Hearings of experts, representatives of the cantons (states) and lobbyists are possible.
USA	Hearings (subpoenas can be issued to representatives of the government. Executive privilege may be invoked).
F	Hearings (ministers – as their functionaries in departments – cannot be forced to attend).



7. Working Methods

	How often do Legislative Committees meet? Can they delegate tasks to subcommittees and/or administrative staff?
CH	Variable. Subcommittees are possible (no delegation of powers).
USA	Variable, at least once a month. Chairman may call for additional meetings. Referring to subcommittees is standard procedure.
F	Variable. No subcommittees (unofficial "workgroups" possible).



8. Resources

	What are the resources of the Legislative Committees?
CH	Secretary is available. For larger tasks, typically the administration is involved.
USA	Committees / Subcommittees are equipped with their own (large) staff (not more than 30 professionals).
F	Rapporteur is supported by administrative secretary of the committee.



9. Lobbying

	Is lobbying in Legislative Committees regulated?
CH	No (members of Parliament have general duties of disclosure).
USA	Yes, extensively.
F	No (members of Parliament have duty of financial disclosure).



10. Publicity and Accessibility

	Are the meetings of the legislative committees public and materials accessible? Is the agenda of the committees known?
CH	No. Public hearings are possible (but rare). The Legislative Committee may inform the public.
USA	Hearings, organizational decisions and status of bills are made known to the public (some restrictions apply).
F	Committee's meetings are not open to public. However minutes are fully accessible.



First Conclusions

- 1. The work of Legislative Committees is highly influential.**
- 2. Legislative Committees are of bipartisan/multipartisan composition.**
- 3. The power of Legislative Committees is the power to propose.**
- 4. Differences in the design of Legislative Committees typically reflect the role of government in the legislative process.**
- 5. Due attention must be given to "technical" questions such as resources, publicity and accessibility of materials, and delegation to subcommittees.**

