

## Public Hearings in Other State Legislatures

By: Terrance Adams, Principal Analyst  
Ashley Daley, Legislative Fellow  
July 14, 2017 | 2017-R-0112

### Issue

How do other state legislatures conduct public hearings? Are there any practices they use to shorten the length or number of hearings?

### Summary

To answer these questions, we worked with the National Conference of State Legislatures (NCSL) to develop a 10-question survey concerning various aspects of the public hearing process that may affect the length or number of public hearings. The questions comprise two general categories: bills heard (e.g., the number of bills heard in a hearing) and hearing procedure (e.g., limits on length of witness testimony). NCSL distributed the survey to legislative chambers in every state and Washington, DC. It received responses from 42 chambers in 35 states and Washington, DC, which it provided to us for analysis. This report describes the questions' most salient findings and how Connecticut compares with the other respondents; a complete list of questions and results appears in the Appendix.

In most areas, Connecticut's public hearing procedures align with the majority of the respondents. The main exception concerns a committee chairperson's ability to limit the number of speakers at a hearing. Of the survey respondents, 83.3% reported that a chairperson may, on a case-by-case basis, limit the number of people who may speak at a hearing. In Connecticut, all people who wish to speak are allowed to do so.

In addition to the issues addressed in the survey, NCSL suggested other factors that may affect the length of public hearings. First, it noted that, unlike Connecticut, many states hold hearings only on fully drafted legislation. (In Connecticut, committees hold hearings on both fully drafted bills and proposed bills.) NCSL also noted that, in other states, a committee may hear and vote out a bill during the same proceeding. (In Connecticut, a hearing and committee action occur in separate proceedings.)

## Results

Below we describe the survey questions' most salient findings and how Connecticut compares with the other respondents. Where applicable, we also include the relevant citation to the legislature's [joint rules](#) for the 2017-2018 biennium.

### *Bills Heard*

- **Voting Out a Bill Without In-Person Testimony:** 81% of respondents reported that a committee can vote out a bill without taking in-person, oral public testimony. However, several respondents added comments indicating that they do so only after first offering an opportunity for testimony. It is thus unclear how many respondents, in practice, vote out a bill without providing such an opportunity.

*Connecticut: A committee cannot favorably report a bill unless a public hearing has been held (Joint Rule 15(b))*

- **Opportunity for In-Person Testimony:** 90.5% of respondents reported that committees generally (35.7%) or always (54.8%) provide an opportunity for in-person, oral testimony when considering a bill

*Connecticut: Such an opportunity must be provided in order to favorably report a bill (see above)*

- **Discretion to Determine Which Bills Receive a Hearing:** 71.4% of respondents reported that committees do not hold a hearing on every bill referred to them

*Connecticut: No requirement to hear every bill*

- **Number of Bills Heard in a Single Hearing:** Only one respondent (out of 42) reported having a limit on the number of bills that a committee may consider during a single hearing

*Connecticut: No limit (See generally Joint Rule (6)(a)(1))*

## ***Hearing Procedures***

- **Speaking Order:** 78.6% of respondents reported that the speaking order is determined by the committee chairperson

*Connecticut: Speaking order determined by committee chairpersons (Joint Rule (6)(c)(1))*

- **Number of Speakers:** 83.3% of respondents reported that committee chairpersons may, on a case-by-case basis, limit the number of people who may speak at a hearing; 16.7% reported that all people who wish to speak must be allowed to do so

*Connecticut: All people who wish to speak must be allowed to do so (see generally Joint Rule (6)(c))*

- **Hearing Time Limit:** Only 9.8% of respondents reported limiting the hours during which a public hearing may be held or how long a hearing may last

*Connecticut: No limit*

- **Time Limit on Witness Testimony:** 80% of respondents reported that there is generally no time limit imposed on witness testimony, but that committee chairpersons may limit testimony on a case-by-case basis

*Connecticut: Chairpersons establish time limit (Joint Rule (6)(c)(1)); in practice, many committees set a three-minute limit for each speaker, which may be extended at the chairpersons' discretion*

- **Limits on Questioning Witnesses:** All but one respondent (out of 42) indicated that committee members may question witnesses; only two respondents (out of 41) reported having any limits on the length of the questioning or number of questions asked

*Connecticut: Generally no limits on questioning, but limits may be imposed by the chairpersons on a case-by-case basis*

# Appendix

## Survey Questions and Results

In your chamber, does a committee hold a hearing on every bill referred to it?		
Yes, generally done by chamber tradition	Yes, required by constitution, statute or rule	No
2 (4.8%)	10 (23.8%)	30 (71.4%)

In your chamber, is there a limit on the number of bills that a committee may consider during a single hearing?	
Yes	No
1 (2.4%) (limit is 50 bills per hearing)	41 (97.6%)

When taking public testimony, how is witness speaking order determined?					
Taken in an order determined by the committee chairperson	First come, first served, but ordered to allow pro and con speakers	Taken in the order in which people sign up to testify (first come, first served)	Legislators are allowed to give testimony when they enter the hearing	The chairperson usually allows senators and representatives to speak first and then the order of which people signed up to testify.	It depends upon the individual committee's rules/procedures
33* (78.6%)	1 (2.4%)	5 (11.9%)	1 (2.4%)	1 (2.4%)	1 (2.4%)

\*Some respondents noted that, in practice, the chairperson typically uses a first-come, first-served order

<b>When considering a bill, does a committee provide an opportunity for the public to provide in-person, oral testimony?</b>		
Generally	Always	Not Usually
15 (35.7%)	23 (54.8%)	4 (9.5%)

<b>Can a committee vote out a bill without taking in-person, oral public testimony?</b>	
Yes*	No
34 (81.0%)	8 (19.0%)

\* Several respondents indicated that they do so only after first offering an opportunity for testimony

<b>Is there a limit on the number of people who may speak at a committee hearing?</b>	
No, all people who wish to speak must be allowed to do so	Not usually, but the committee chairperson may limit testimony on a case-by-case basis
7 (16.7%)	35 (83.3%)

<b>When taking public testimony, is a time limit imposed on witness testimony?</b>					
Yes, the limit varies	Yes, three minutes	Yes, and the limit is set by the committee chairperson	Yes, and the limit is 10 minutes	Not usually, but the committee chairperson may limit testimony on a case-by-case basis	No, a person may speak as long as he/she wishes
1 (2.5%)	1 (2.5%)	4 (10%)	1 (2.5%)	32 (80%)	1 (2.5%)

<b>Is there a time limit during which a committee hearing may be held or on how long a committee hearing may last?</b>	
No	Yes, with time specified
37* (90.2%)	4 (9.8%)

\* Some respondents indicated that a committee cannot meet while the chamber is in session; this is also true for Connecticut

<b>Are committee members allowed to question witnesses?</b>	
Yes	No
41 (97.6%)	1 (2.4%)

<b>If yes, are there any limits on the length of the questioning or numbers of questions asked?</b>		
No Limits	Limit number of questions to two	Limit is 10 minutes
39* (95.1%)	1 (2.4%)	1 (2.4%)

\*Some respondents indicated that the chairperson may limit questions on a case-by-case basis

TA/AD:cmg