

The Bürgerschaft

Role and functions of the Hamburg State Parliament





The **democratic** separation of powers

As the philosopher Charles de Montesquieu (1689-1755) wrote, *“All would be lost if the same body were to exercise all three powers – the power to enact laws, the power to execute the decisions of the public authorities, and the power to pass judgement on crimes and disputes between individuals (...)”*.

The separation of powers is an essential characteristic of a representative democracy. The Bürgerschaft as the Parliament of the State [Land] of Hamburg exercises legislative power, the Senate as the Government holds executive power, and the courts hold judicial power. The most important functions of the Bürgerschaft, alongside the enactment of laws and budgetary power, are scrutiny of the Senate, election of the First Mayor as the head of Hamburg's Government and ratification of the appointment of Senators.

The Hamburg Parliament is the supreme representative and decision-making body of the Free and Hanseatic City of Hamburg, and is elected directly by the citizens of Hamburg.

*The Assembly meets every two weeks in the plenary chamber.
Carola Veit (top right) is its President and senior representative.
She leads and represents the Parliament.*

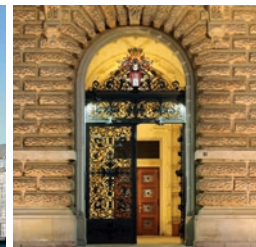
**The Bürgerschaft –
the State Parliament of Hamburg –
123 Members
representing the people**



“All state power emanates from the people,” as it says in the Hamburg Constitution (Art. 3.II.1). The Members of the Hamburg Parliament are chosen every five years by the electorate in Hamburg. They are subject only to their own conscience, and not bound by orders or instructions from third parties. They are obliged to work for the general good.

The Bürgerschaft is not a full-time Parliament. Most of its Members have another job apart from exercising their political mandate. That is why the meetings of the Assembly, the Committees, the Working Groups and Parliamentary Groups are held in the afternoons and evenings.

*The seat of Parliament and Government –
Hamburg City Hall.*





The Assembly and Committees of the Hamburg State Parliament

*The Committees of Parliament
prepare the decisions of the Assembly in detail
and submit summary reports to it.*



*The Members vote on the specialist recommendations
of the Committees at the Assembly.*

With the exception of parliamentary vacation periods, the Assembly, that is the plenary meeting of all 123 Members, meets every second Wednesday. Sittings start at 1.30 p.m. and last into the evening. They are open to the public and are live streamed.

The real parliamentary work takes place in the specialist Committees. These are made up of representatives of all Parliamentary Groups, and are generally also open to the public. Appointments to Committees and to various political offices are dependent on the size of the Parliamentary Groups. The Committees discuss the detail of parliamentary initiatives and proposals tabled by the Senate and engage objectively with Senate representatives in pursuit of political solutions. They involve hearings of experts and exchanges of opinion.

The Committees submit written reports on the results of their discussions. In preparation of the plenary sittings, the Committees make recommendations, which are then put to a vote in the Assembly.

For preparation of decisions on complex subjects, the Parliament can set up Study Commissions and Parliamentary Committees of Inquiry, where independent experts deliberate together with Members of all Parliamentary Groups on the causes of problems and possible strategies for their solution.



*At every Assembly, the bell is placed on the Council desk.
The Members of the Council use it to make themselves heard.*

In the current legislative period, the Council comprises the President, the First Vice-President, three further Vice-Presidents and two Secretaries. The Members of the Council are elected at the beginning of the legislative period. The Council makes decisions among other things on issues related to the chairing of the plenary sittings.

According to parliamentary conventions, the strongest Parliamentary Group is entitled to propose the President. The President is the public representative of the Parliament and the Free and Hanseatic City of Hamburg. She is obliged to protect the Parliament and its Members and to uphold the dignity of the Parliament. She exercises authority within the house and has the right to issue instructions on the premises of the Parliament, located in the left wing of the City Hall.

The duties of the President and the Council include impartially chairing the plenary sittings and ensuring that Parliament keeps to the order of business. In addition, the Parliament Chancellor, its administration, is answerable to the President.

The Council (Presidium) exercises authority in the Parliament



The Council of the Bürgerschaft is made up of the President, Carola Veit (main photo, SPD) and (from top left to bottom right) Mareike Engels, First Vice-President (GRÜNE); Frank Schmitt, Vice-President (SPD); André Trepoll, Vice-President (CDU); Deniz Çelik, Vice-President (DIE LINKE); Güngör Yılmaz, Secretary (SPD) and Rosa Domm, Secretary (GRÜNE).





The Parliamentary Groups – centres of decision-making



The Parliament consists of five Parliamentary Groups (here can be seen the Chairmen) – SPD (centre left), GRÜNE (below left), CDU (above), DIE LINKE (right) and AfD (below). There are also four non-attached Members.



As a rule, Members from the same party form Parliamentary Groups to promote their political interests and goals in parliament. Independent Members may also join a group if they agree with its political goals.

Parliamentary Groups have a special status, giving them more rights than the individual Members of Parliament. For example, they receive state subsidies to finance their parliamentary work. Parliamentary Groups also have priority rights compared to individual Members of Parliament in deciding on the agenda and allocation of speaking time in plenary sittings.

The five groups prepare decisions and deliberations in their respective meetings, focusing political interests and representing them in plenary sittings.



After the debate comes **legislation**

The Hamburg Parliament enacts laws, which is the primary purpose of any parliament. It is the responsible legislator for matters such as schools and universities, police and cultural policy.

Bills (draft legislation) may be submitted by Members of Parliament, by the Senate, or by a petition. They are scheduled for deliberation and decision in two readings in the Assembly. The purpose of this procedure is to prevent overhasty decisions. The enactment of legislation requires a majority in Parliament; amendments to the Hamburg Constitution require a two-thirds majority.

Draft legislation is first deliberated in the Parliamentary Groups and in Committees, which obtain opinions from professional associations, chambers of commerce and industry, and other organisations and official bodies. Committee hearings are often devoted to individual Bills.

Citizens can also exercise direct influence on the deliberations of the Parliament, thanks to the Referendum Act introduced in 1996. They can start a citizens' initiative which, if enough citizens put their signatures to proposals for creating a new law or amending an existing one, entitles them to submit their own Bill.



The minutes and documentation resulting from Committee meetings and plenary sittings fill many volumes.

Photo bottom left: Before new legislation can be adopted by Parliament, discussions are held in various bodies.

Parliament holds **budgetary** powers

The budgetary powers of the Hamburg Parliament are particularly important: The Parliament that decides on the allocation of public funds of the Free and Hanseatic City of Hamburg. First the Senate has to submit a draft budget. This sets the political focus of the Senate's work and indicates how much money it intends to spend on what purposes. There are two readings of the budget in plenary sittings of Parliament, after the specialist Committees and the Budgetary Committee have dealt with the individual items over a period of several weeks. Each Parliamentary Group can submit amendment proposals and these are put to the vote in the Committees and in Assembly.





The gold-plated copper figures in the Great Banquet Hall of the City Hall symbolise the virtues of Wisdom, Justice, Strength and Industriousness.

The right wing of the City Hall houses the Senate while the left wing houses the Parliament.

The Parliament not only elects the First Mayor and confirms the Senators appointed by him or her, but also supervises the official acts of the Senate.

Scrutiny of Government is one of the most important tasks of the Parliament.

It has a wide range of supervisory instruments at its disposal:

- Any Member of the Hamburg Parliament can put a **minor interpellation** to the Senate; the Senate is required to give a written reply within eight days.
- Five or more Members of Parliament may submit a **major interpellation**; the Senate then has four weeks to give its written reply.
- A **debate on matters of topical interest** takes place at the beginning of every plenary sitting for which four Parliamentary Groups may specify subjects for discussion.
- **Submission of files** by the Senate may be required upon demand of one fifth of Members of Parliament.
- At the demand of one fifth of Members, the Parliament is required to establish a **Committee of Inquiry** to examine specified problems or unacceptable practices.

Checks and balances – parliamentary **scrutiny** of Government



Every Tuesday, the Senate meets in the Council Chamber (photo left). The decisions that are made here are subject to critical scrutiny by Parliament. The architectural interface between the Parliament and the Senate is marked by the Tower Room of the City Hall, with its magnificent domed ceiling.





*The composition of the Parliament is decided
by the citizens at elections.*

Democracy needs the participation of the **citizens**

Politics affects us in practically all areas of life. Democracy needs people to participate. There are many and varied forms of political commitment:

- Participating in elections
- Presenting a petition to the Parliamentary Petitions Committee
- Attending a public hearing on a specific subject by one of the Committees
- Working in political parties
- Participating in action groups, associations, trade unions, chambers of commerce and trade, etc.
- Submitting citizens' initiatives, citizens' petitions, or referenda
- Public expression of opinion, whether by communicating with Members of Parliament or for example taking part in demonstrations

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Imprint

Publisher: **Chancellery of the Hamburg State Parliament
Press and Public Affairs**

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Editorial Board: Barbara Ketelhut (responsible for content), Susanne Ahrens

Photos: Hamburgische Bürgerschaft: Karen Ahrens, Susanne Ahrens,
Daniel Posselt, Michael Zapf; Carola Veit (p. 2, 7): Frank Wartenberg,
André Trepoll (p. 7): Tobias Koch

Design: Schön Communication, Hamburg

Printed by: Druckerei Weidmann, Hamburg

Status: May 2023