



# A Citizen's Guide to Participation in the Wisconsin State Legislature

*Prepared by the Wisconsin Legislative Council Staff, 2015*

## How to Testify at a Public Hearing

A citizen's interaction with the Legislature often takes place in legislative committee meetings. Committees are where much of the Legislature's work gets done. Their primary function is to advise the full body (the Assembly or the Senate) regarding legislation and other matters within their subject areas. In addition to bills, committees review proposed administrative rules and Senate committees make recommendations to the Senate regarding confirmation of appointments made by the Governor. From time to time, committees hold briefings and oversight or informational hearings, in which they learn about programs administered by state agencies and look into problems or controversies that arise in those programs.

Committees hold two kinds of meetings:

- In **public hearings**, committees hear testimony from legislators, agency staff, and members of the public regarding the matters before them. Public hearings are one of the primary means by which legislators learn about these matters.
- In **executive sessions**, committees debate the merits of proposals and take votes. A committee's report consists of its recommendations to the full body regarding what amendments to a proposal should be adopted and whether the proposal should be passed.

All legislative committee meetings are open to the public.<sup>1</sup> The public may participate in public hearings, as described in this chapter, and may attend but may not participate in executive sessions. At informational hearings, testimony is often limited to invited speakers only, usually experts on the subject being examined or agency staff responsible for the program under review in the hearing.

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<sup>1</sup> Many committee meetings may also be watched on WisconsinEye, a service that broadcasts government proceedings on television or at the WisconsinEye Internet site, at <http://www.wiseye.org/>.

## **ABOUT PUBLIC HEARINGS**

### ***PURPOSE OF PUBLIC HEARINGS***

The purpose of a public hearing is to educate and inform a committee of the Legislature regarding bills it is considering. People testify at hearings for various reasons, which usually include one or more of the following:

- To describe the purpose and effect of a bill. This kind of testimony is typically provided by the author of the bill, though it is sometimes given by a representative of a state agency or advocacy group that worked with the author to develop the bill.
- To express support for or opposition to a bill. Most speakers will indicate a position on the bill. However, some will speak “for information only, neither for nor against.”
- To provide information about a bill that the committee or author may not know. This information may include:
  - Further background information and context regarding the bill.
  - An explanation of how the bill affects the speaker or others, individually.
  - An explanation of what might be unintended consequences of the bill.
- To suggest improvements to a bill. Suggestions may be general ideas or may be specific recommendations of how the wording of the bill should be changed.

### ***FORMAT AND PROCESS OF PUBLIC HEARINGS***

When you enter a hearing room, you will see a variety of people, each with their respective role in the hearing process:

- The committee chair sits at the head of the table.
- To one side of the chair is the committee clerk. This person is a member of the chair’s personal staff. The clerk helps the chair plan, organize, and run the hearing, and prepares a committee report afterward.
- To the other side of the chair is the Legislative Council staff member assigned to the committee. This person’s job is to answer questions from the chair and committee members regarding legal and policy matters, as well as committee procedures. The Legislative Council staff are non-partisan, and assist all members of the committee.
- The Republican members of the committee are seated on one side of the hearing table and the Democratic members are on the other.
- Seated behind each committee member, usually, is a person from that member’s personal staff. Like the legislators they work for, they are there to learn about the

subject the committee is hearing. In cases when the legislator is absent or temporarily out of the room, this staff member takes notes and collects written testimony for the legislator.

- Seated or standing near the door is a messenger, or “page.” This person, a member of the Sergeant-at-Arms’ staff, collects hearing registration slips from persons wishing to testify and delivers them to the committee clerk, distributes testimony to committee members, runs errands, and performs other services at the request of the committee chair and members.

The committee chair opens the meeting by striking the gavel and calling the committee to order. After the roll call and any preliminary business, the chair begins calling witnesses to speak on the bills being heard. Each speaker takes a seat at the committee table, delivers his or her testimony, responds to questions from committee members, and then yields the seat when excused by the chair. A witness can be at the hearing table for as little as a minute or two or as long as an hour or two, depending partly on the length of the testimony but mostly on the questions asked by committee members.

Hearings typically follow a pattern something like the following:

- The first speaker is usually the bill’s author, who explains the purpose of the bill and what it does.
- If there are speakers with particular knowledge or expertise relating to the bill being heard, they are typically called after the author. These experts are as likely to be opponents of the bill as supporters. They include individuals such as:
  - The state agency that will have to implement or enforce the bill’s provisions.
  - Lobbyists who helped develop the bill.
  - Other experts.
- The remaining speakers commonly alternate between those in favor of the bill and those opposed to the bill, as called by the chair. Speakers commonly include:
  - Lobbyists, representing businesses, trade associations, and citizen organizations.
  - Local government officials.
  - Small business owners.
  - Private citizens.

The committee chair directs the hearing and maintains order. The chair determines the order of speakers and recognizes committee members who want to ask questions.

There is no typical length for a hearing; some last only a few minutes, while others can last all day and well into the night--just how long depends on how many bills are being heard, how long the testimony is, and how many questions committee members ask.

### **HOW SHOULD I PREPARE TO TESTIFY AT A PUBLIC HEARING?**

Testifying at a public hearing is a form of public speaking. Some preparation ahead of time will make your testimony more effective.

- Familiarize yourself with the bill:
  - Read about the bill, or read summaries of it.
  - Talk to others about it.
  - Read the bill itself.
- Prepare your testimony:
  - Organize your thoughts; think about what you want to say.
  - Put it on paper; typed is nice, but handwritten is fine.
  - Make copies: 20 for an Assembly committee or 10 for a Senate committee should be enough.
- Practice your testimony--to your family or in the mirror.

### **WHAT DO I DO WHEN I GET TO THE PUBLIC HEARING?**

- Fill out a hearing slip:
  - Write your name clearly, so that the chair can read it to call on you.
  - Check the appropriate box, indicating that you are testifying in favor, in opposition, or for information only.
- Give the hearing slip to the messenger, take a seat, and wait to be called.

### **WHAT IF I DON'T WANT TO TESTIFY?**

- You may “register” your position on the bill by checking the box on the hearing slip indicating that you support or oppose the bill but do not want to testify. This will be recorded in the committee report.
- You are also welcome to attend a hearing and simply listen without filling out a hearing slip.

## **WHAT DO I DO WHEN I AM CALLED?**

- Give copies of your testimony to the messenger to distribute to the committee members.
- Take a seat in the witness chair.
- When the chair acknowledges you, thank the chair and present your testimony.
- When you are through, thank the committee and wait to see if committee members have questions for you.

## **IMPORTANT RULES**

- The purpose of a hearing is to educate the committee members. You speak to them and they ask questions of you, but witnesses and members of the audience do not ask questions of the committee or staff.
- Applause, cheering, booing, waving signs, or other expressions of sentiment are not allowed. In addition to maintaining an appropriate level of decorum, this rule is necessary to ensure that everyone, regardless of point of view, has the opportunity to address the committee without intimidation.

## **POINTERS FOR TESTIFYING**

- Do not be intimidated:
  - By the committee. As one Senator put it, “Elected officials are regular people, just a little busier than most. They work in a fancy building, have big titles and power. But--they work for you.”
  - By other people present. You have as much right to testify as anyone else--even if you are “only” a regular citizen, and even if your point of view is greatly outnumbered by other speakers.
- Keep your testimony brief and to the point--not more than five minutes, preferably less. Note that, in long hearings, the chair may limit testimony, often to only three minutes.
- Make your testimony personal; speak from the heart. Tell the committee how the bill would affect you or how you came to be personally concerned about the subject. Discussion of abstract concepts or statistics is fine, but a personal story often is far more compelling.
- Try not to read your testimony to the committee. Instead, look the committee members in the eye and tell them your story--this will engage them and make them listen.
- Do not repeat what other speakers have said, especially in a long hearing when numerous speakers have already said essentially what you plan to say. Instead, state

your general point of view and indicate that you support the views expressed by previous speakers with that point of view, adding any thoughts of your own that may be new or different.

- If the hearing is long and you cannot stay to the end, notify the committee clerk (via the messenger) and request to be called early. Such requests usually are granted to the extent possible.
- Some questions from committee members will be more a statement than a question. You do not need to respond, but may take the opportunity to comment further.
- Be respectful to everyone in the room--the committee members, staff, other speakers, and anyone else present. It is possible to disagree in the strongest terms while remaining courteous.

### **OTHER THINGS TO KNOW**

- You may have to wait a while to testify, because:
  - There may be one or more bills on the agenda ahead of your bill. Note that the chair may not take bills in the order they are listed on the meeting notice.
  - There may be many people ahead of you to testify on your bill.
- There is no recording, transcript, or minutes prepared for a legislative hearing in Wisconsin, so there is no need to “read your testimony into the record.” Written testimony is distributed to all committee members and is posted on the Legislative Council’s Internet site.
- Committee members may come and go during the hearing. This is often because multiple hearings are going on simultaneously. In most cases, the member’s staff is taking notes and collecting written testimony for the member’s use.
- Smile--you may be on television! The WisconsinEye Network broadcasts many legislative hearings live, and records others for later broadcast. Their broadcasts are on the cable TV networks and on the Internet.