Preparing and Delivering Testimony for Committee Hearings

Presented By:

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As citizens in a largely rural state, we can have a tremendous influence on decisions in our State's Legislature. Unlike larger states, where simply scheduling a meeting with a legislator can be a three act play, Montanans have relatively unfettered access to their elected representatives in the State Legislature.

Although organizations benefit significantly from having professional lobbyists on staff, the most effective lobbying tool available is the well-informed member of a local community who is willing and able to express his or her viewpoint to the legislature. The value of the non-professional lobbyist lies in his or her integrity, accuracy and personal experiences.

Montana school districts are well positioned to be strong advocates for K-12 public education. There are school districts in every single legislative district – both House and Senate.

Preparing testimony for a Legislative Committee begins with getting to know your audience.

Characteristics of the Montana Legislature:

General Characteristics:

Montana has a House of Representatives (100 Members) and a Senate (50 Members). The relative power of Democrats and Republicans has ebbed and flowed over the years. The trend in Montana was a split power base.

2005 Session – Governor – Democrat; House – split 50-50; Senate – Democratic control, 27-23
2007 Session – Governor – Democrat; House – 50 R’s, 49 D’s, 1 Constitution; Senate – 26-24 Democratic control
2009 Session – Governor – Democrat; House – split 50-50; Senate – 27-23 Republican control
2011 Session – Governor – Democrat; House – 68 R’s, 32 D’s; Senate – 28-22 Republican control
2013 Session – Governor – Democrat; House – 61 R’s, 39 D’s; Senate – 29-21 Republican control
2015 Session – Governor – Democrat; House – likely to remain in Republican control; Senate – likely to be Republican control

Term limits, now fully implemented, have had a dramatic impact on the characteristics of the Montana Legislature. Increasingly, the Senate is gaining a significant advantage over the House in experience. This is a function of longer terms (4 years vs. 2 years) and the fact that several term-limited representatives have entered the Senate, while only a couple of
term limited senators have entered the House.

Article IV, Section 8 of the Montana Constitution provides as follows:

Section 8. Limitation on terms of office. (1) The secretary of state . . . shall not certify a candidate's nomination or election to . . . one of the following offices if, at the end of the current term of that office, the candidate will have served in that office:

(b) 8 or more years in any 16-year period as a state representative;
(c) 8 or more years in any 16-year period as a state senator;

Prior to 2001 the Legislature included a number of members who had served since the 1980's and even several who had served since the 1970's. In fact, in the 1999 Legislative Session immediately before term limits took effect, the most senior members of the Montana Legislature had served since 1971. Large turnover -- newly-elected Legislators each session -- continues to be the rule due, in part, to term limits.

General Means of Functioning:
The Montana Legislature conducts most of its business through its various committees. Committees are split among party lines, with a majority in each committee reflecting the majority of the party in power overall. Committees having a significant impact on public education include, but are not limited to the House and Senate Education Committees, the House Appropriations Committee and the Senate Finance and Claims Committee. Although most bills can start in either the House or Senate, spending bills begin in the House. House Bill 2 is always the general government spending bill, while the education spending bill is typically introduced separately.

Each committee conducts hearings on bills in their topic area. As a result, there is typically one hearing in the House and one hearing in the Senate on any bill that makes its way through the process.

Key House Committees (2013 Session):

Appropriations, M-F; 8 a.m.; Room 102
Joint Appropriations/Finance & Claims Subcommittees, Education, M-F; 8:30 a.m.; Room 472
Business & Labor, M-F; 8 a.m.; Room 172
State Administration, M-F; 8 a.m.; Room 455
Taxation, M-F; 8 a.m.; Room 152
Judiciary, M-F; 8 a.m.; Room 137
Education, M, W, F; 3 p.m.; Room 137

Key Senate Committees (2013 Session):
Steps to Developing and Maintaining a Working Relationship with Your Local Legislator – Before a Committee Hearing

If asked, most lobbyists would likely state that committee hearings are an important, but only one aspect of the legislative process. Although committee hearings provide the legislature with the means to take testimony and hear what the public (or a motivated portion of the public) has to say on particular bills, committee hearings are only part of the picture. Often, by the time a hearing is held on a particular bill, the committee members have already been heavily lobbied and may have formed a firm opinion on the bill. In order to be effective at the committee hearing, an individual must work to establish an effective working relationship with area legislators before a bill is even introduced. There are steps a community member can and should take to increase effectiveness before the legislature.

Step Number 1: Introduce Yourself and Your Interests to Your Local Legislators:

The time to get a legislator’s attention is when he or she is running for office. Take the time to establish in-person contact with legislators and candidates for office prior to the election. Make sure candidates are aware of the issues important to you, and establish a dialogue with each candidate to gain an understanding of the candidate’s position on such issues.

Step Number 2: Firm up Contact after the Election:

After the election is over, schedule a meeting with the winner to remind him or her of your concerns. Be sure to congratulate the individual on his or her successful campaign, and offer your assistance to the legislator on issues of concern to you. Invite the area legislators to visit your schools and scrutinize your operations. A legislator who has visited area schools and seen the positive work with the community’s children will almost certainly be more supportive of education than a legislator who has little or no understanding of the services provided by area schools. This is particularly important in light of negative nationwide press coverage regarding the “state of public education.”

Hints for a Successful In-Person Visit with Your Legislator
Whether you are meeting with a legislator at home or in Helena, for the first time, or on a regular basis, there are keys to making your visit as successful as possible. These keys include the following:

**Do your homework.** Know your issue: facts on the piece of legislation, records of the Legislator's votes on the issue, arguments for and against whatever you want her to do.

**Bring materials.** Prepare written materials which you can leave with the person. This will allow the legislator to ponder what you have said or use your material as a resource during a debate.

**Prepare your speech.** Have an idea about what you're trying to say: what are the three points which you want to be sure to get across?

**Plan ahead and be prepared.** Make an appointment with your Representative or Senator.

**Be on time!** The person with whom you are meeting may be late, but you can't be.

**Be courteous.** Begin and end by thanking the Legislator for his or her time. Be respectful and polite, no matter what the attitude is of the other person. As a constituent, you will most likely be treated with respect. Return the favor. Try to find common ground and work from there. Don't threaten, or promise to vote the Legislator out of office if he or she doesn't deliver. This sounds basic, but it's often easy to forget when you find yourself in the middle of a heated discussion.

**Be honest, accurate and dependable.** Trustworthiness is the most important quality in a lobbyist, as far as Legislators are concerned. Don't be afraid to say, "I don't know, but I can find out for you." Make sure, however, that you deliver on such promises.

**Be concise and stick to the issue.** The shorter the meeting, the better. The more specific you can make the topic of your meeting, the less easily you will get sidetracked.

**Get personal.** The point of a lobby visit is to try to convince somebody to see things your way. You are asking for something. So it's kind of a game: trying to figure out where the other person stands on the issue, understanding why they feel the way they do, and then explaining why you feel the way YOU do.

**Delivering Effective Testimony Before a Committee**

Once you have established a rapport with your local legislators, and have educated them regarding your areas of concern, you will be in a position to have a significant impact in
providing testimony on specific bills. Testimony is typically taken at the committee level. Committee meetings are generally conducted according to a modified version of Robert’s Rules of Order.

Committees typically involve 12-22 members in the House, and 7-11 members in the Senate. Make sure you know who the members are of the committee you plan to appear in. Each Committee has a chair and vice chair from the majority party, and a vice chair from the minority party.

Senate Education & Cultural Resources
M, W, F: 3 p.m.; Rm 303
Peterson, Jim (R - Ch)
Jones, Llew (R – V Ch)
Arntzen, Elsie (R)
Brown, Taylor (R)
Driscoll, Robyn (D)
Facey, Tom (D)
Lewis, Dave (R)
Moore, Eric (R)
Stewart-Peregoy, Sharon (D)
Windy Boy, Jonathan (D)
Secretary: Elizabeth Whiting, Rm 321, (406) 444-7363
Staff: Pad McCracken (LSD), Research Analyst, Rm 111F, (406) 444-3595

House Education Committee
M, W, F: 3 p.m.; Rm 137
Hansen, Kristin (R - Ch)
Blyton, Joanne (R – V Ch)
McClafferty, Edie (D – V Ch)
Bennett, Bryce (D)
Blasdel, Mark (R)
Brockie, Clarena (D)
Coffin, Douglas (D)
Greef, Edward (R)
Halvorson, David (R)
Hertz, Greg (R)
Laszloffy, Sarah (R)
McNiven, Jonathan (R)
Price, Jean (D)
Salomon, Dan (R)
Schreiner, Casey (D)
Schwaderer, Nicholas (R)
Washburn, Ted (R)
Wilmer, Franke (D)
Secretary: Marissa Stockton, Rm 475
Staff: Laura Sankey (LSD), Attorney, Rm 128

Committee hearings are often scheduled with very little (1-3 days) notice, so you need to be prepared to travel on fairly short notice if you want to testify on a specific bill. You can get additional advance notice by contacting the sponsor directly and asking to be informed when the committee hearing is drawing near.

Know the basic rules of a Committee – which always includes silencing your cell phone!

Committee hearings are typically scheduled to last 2 hours. During that time, depending on
the controversy surrounding the particular bills under consideration, a committee will take testimony on anywhere from 1 to 5 bills. As a result, **brevity is well-appreciated by all.** On any given bill, consideration at the committee level will involve the following:

**Introduction by the Sponsor:** The legislator sponsoring the legislation will typically introduce the bill to the committee and give a synopsis of its intent. Sometimes the introductions are well-organized, while other times the legislator may leave the details to those testifying.

**Proponents:** The committee chair will call for proponents of the bill to provide testimony. If you are in support of the bill in question, this is your opportunity to testify.

**Opponents:** After hearing from the proponents, the committee chair will call for opponents to the bill to provide testimony. If you oppose the bill in question, this is your opportunity to testify.

**“No-ponents”:** Some, but not all committee chairs may call for testimony from individuals with information but no position on the bill.

**Questions from the Committee:** Upon completion of testimony, committee members will often be allowed to question the individuals who have testified.

**Closing of the Sponsor:** After all testimony is provided and questions from the committee are completed, the committee chair will give the sponsor an opportunity to provide a closing statement to the committee regarding the bill.

**Executive Session:** After the hearing is closed the committee will conduct executive action on the bill in question. This term of art has a different connotation than the “executive (closed) session” identified under the open meeting laws. An executive session will be open to the public, but closed as to input by the public except upon special permission of the committee and lack of objection by any member thereof. Committee action on a bill will almost never be taken on the same day as the hearing. Although this can be disappointing for someone who has traveled significant distance to get an answer on the bill, it often works to our advantage by giving us time to lobby the committee members and to count votes before action is taken on the bill in question. This is the time when a bill will be reported out to the full House or Senate – receiving a “do pass” from the Committee -- or be “tabled” in Committee.

**The Decision on Whether to Provide Testimony:**

In deciding which bills you are able to commit to working on, you should consider the following questions:
Who is behind the legislation being proposed and why?

Who are the other powers involved (i.e., labor, the bar, the insurance industry, or other professional organizations)?

Do you have a clear understanding of the intent of the bill?

Have you identified the specific repercussions of the legislation if passed?

Have you sought advice from other organizations that may be familiar with similar types of legislation?

Are you ready to take a position and react in a positive manner?

**Presentation of Testimony:**

Be presentable, that is, professional and moderate in appearance and dress.

Address your comments and attention to committee members and not the audience. Address committee members by title and name (Senator Doe, for example), especially the chairperson. You should begin by saying “Madam Chair (or Mr. Chairman), members of the committee, my name is. . .”

In your introduction, state your name (you may need to spell it for the record), your title or area of expertise and the organization(s) you represent; cite the importance of the issue; thank committee for allowing you the opportunity to present your remarks.

Know your audience!

Ask that your written statement, and attached documents, be included in the record. Bring an adequate supply of your remarks along for distribution to members of the committee.

Talk, do not read, if at all possible. Speak loud enough to be heard. Do not waste time. Why is the proposal good or bad? What does it do? What are the fiscal implications? Where is the money to come from? Go to the heart of the matter at once.

Be aware of what others have already testified to and do not repeat testimony.

Avoid substantial deviation from the subject unless absolutely unavoidable.

Do not be antagonistic. Avoid inflammatory comments, criticizing the committee or its
Close testimony with a very brief summary and offer to respond to any questions the committee may have.

Questions and Follow-up:

After you testify, remain in the hearing room for at least a few minutes so that you may answer any inquiries. Be prepared for questions -- try to anticipate those likely to be asked and prepare accordingly. You should direct your answer to the Chair and then to “Senator Doe” or “Representative Buck”. If you do not know the name of the Senator or Representative you may merely say “Senator” or “Representative”.

Do not be evasive in answering questions. Give direct and brief responses when you can. If you cannot answer, say so. Offer to look into the question and submit a statement at a later date.

If you do know a committee member, you may be able to suggest to him or her that there is a particular concept or section of the bill you would like to talk about in more detail than time would allow for in your testimony. They may be willing to ask you a question that gives you this opportunity.

The Governor’s Role:

The Governor prepares a proposed budget for all government programs, including education. Once the budget is completed, it is introduced in the House as House Bill 2. In addition, the Governor typically scrutinizes and either approves or rejects various proposals by state agencies, including the Office of Public Instruction. Governor Bullock is expected to play a pivotal role in the 2015 Session after announcing his intent on Early Edge. The Governor has a separate constitutional role in his veto authority. The Governor has the power to veto, or disapprove any bill passed by the Legislature. If he does so, the Legislature has the power to override the Governor’s veto upon a two-thirds majority of both the House and Senate.

When testifying on a bill in the House or the Senate, remember you should also share your support or opposition to the bill with the Governor.