

# What to Expect When Testifying

Union Members can be effective in testifying on behalf of the Union because they can discuss the “real world” impacts of a particular bill on the residents they serve or present technical information. This is especially effective on controversial bills if the city witnesses are from cities within the districts of members on the committee. Union members who testify should be aware, however, of the basic guidelines for testifying (see below).

Let’s be honest. Testifying before a legislative committee can be intimidating for anyone, union leader or lobbyist, regardless of how often he or she appears before a committee.

What follows are some tips to assist city officials when they come to Sacramento to testify, at the request of the SEIU Local 1000 or on their own.

If you have come to testify, you should go to the table at the front of the room to sit with the side you represent. If you are late to a hearing and have missed appearing with your colleagues to testify, wait until all those present have testified. Then simply state your name, position and your wish to go on record in support of, or opposition to, the bill. Unless you have the approval of the author or sponsor, do *not* present lengthy testimony.

Although the list of pointers below is not exhaustive, it provides some useful guidelines for effective participation.

## DO

- **Expect to wait.** It is nearly impossible to know exactly when your bill will be heard in committee. Remember, the committee may have as few as five or as many as 50 or 200 bills on its agenda. Be flexible and don’t cut the time too close if you have a plane to catch.
- **Coordinate with whoever is organizing the testimony** (Local 1000 staff or others) to determine in which order you will testify
- **Introduce yourself when you testify:** “Madame Chairperson and members, I am Jane Doe, an State Employee in the Department of Whatever, located in the City of Anywhere.”
- **State your position at the beginning:** “I am here to speak in support of (or against) AB 123.”
- **Be brief and concise.** State the reasons why you support or oppose the bill. Give personal examples. Be sure the information you provide is accurate. If you have handouts, give them to the sergeant-at-arms and ask that he or she distribute them to the members.

- **Be polite.** This is especially important if you are opposing a bill.

Remember, you can just as easily dissuade a member as you can persuade him or her. Legislators have been known to react predictably to witnesses who insult them. Occasionally one hears a member say, “You know, I was prepared to vote for this bill. But I am so offended by Mr. Smith’s testimony that I am going to vote against it.”

- **If your assembly member or senator is a member of the committee, let him or her know that you are there.** You can either make an appointment to talk with him or her just before the hearing, drop by his or her office in advance or send your card to him or her during the hearing before your bill is presented.

Even if you are only able to send up your card, let them know you are there, for which bill and what your position is. If your legislator is not on the committee, drop by his or her office anyway and leave your card. If you can, make an appointment ahead of time.

- **Be prepared to answer questions.** If you are there as a technical expert, it is okay to have a dialogue with any committee member who asks questions. If they say something with which you disagree, it is okay to respond or disagree, but do so politely: “With all respect, Senator Smith, I disagree with your assessment. From my perspective, the issue involves ...”

It is also okay to argue points of law (it helps if you are a lawyer) or technical issues, if you have the expertise to back up your position.

- **Be smart.** If there has been a long line of witnesses who have covered all the points you had prepared, don’t repeat them. Simply state: “My name is Fred Jones, from the Department of Whatever in Anytown, California. In the interest of time, I won’t repeat what the other speakers have said. I support/oppose AB 123.”
- **Be prepared to just say your name and sit down.** Occasionally, due to time constraints, committees are not able to hear testimony from all witnesses who wish to speak. As an alternative, however, they do permit witnesses in support and opposition to come to the microphone and state their name and affiliation. Even though you traveled far to attend the meeting, spent all morning in the hearing room and prepared an excellent statement why AB 123 deserves to be passed or defeated, you may be allowed to only state your name. Yes, this is disappointing, but it can’t be helped. Remember, your presence has been noted, especially if your legislator sits on the committee.
- **Take guidance from the Local 1000 lobbyist who is there.** If the Union has asked you to come and testify, you will be briefed prior to the hearing. If you are at the Capitol on your own, but need some information, feel free to ask a Local 1000 staff member any questions you have about the process.

- **Remember that, in some cases, it's best to keep quiet.** Last session at a Senate Judiciary Committee hearing, several small businesses were present for a bill on ADA compliance. Halfway through the hearing, it was clear that all the committee members were decided and enough “aye” votes were there to pass the bill. Unfortunately, one speaker insisted on responding to earlier comment, questioning the integrity of those speaking on behalf of the disability community, thereby insulting many of those in the room. Although the committee chair moved the bill, a few members who had intended to support as a courtesy so the bill wouldn't die, changed their votes thus killing any chance the sponsors had of making progress that year.
- **Be thoughtfully assertive, but use your judgment.** There may be instances when you should ignore the “do's and don'ts” and take a different approach. If you must, evaluate the situation before you leap.
- **Check with the League lobbyist after the vote.** If a bill is on call, you may be needed to assist in securing a member's vote.
- **Remember that policy committees discuss the policy implications and fiscal committees discuss the fiscal implications of a bill.** In a fiscal committee, avoid discussing only the policy aspects of a bill, and include testimony from a fiscal perspective. If you stray too far afield, a fiscal committee member may remind you, “This committee does not care about the policy implications. We are here to evaluate the fiscal impacts.”
- **Enjoy yourself.** Remember, you are participating in the democratic process.

## **DON'T**

- **Read your testimony.** Nothing turns off a committee like a witness reading a lengthy prepared speech. Notes are okay, but don't read — it can be deadly. If you have detailed technical information to share with the committee, it is acceptable to state that you wish to submit written testimony and will summarize the key points.
- **Be rude.** It doesn't help your cause, and may hurt it.
- **Argue unnecessarily or inappropriately**

While a give-and-take dialogue with a member is acceptable, a shouting match is not.

Several years ago at a very tense hearing on smoking and tobacco control, someone in the back of a packed hearing room responded loudly and insultingly to a comment made by the committee chair. The chair was clearly upset, to say the least.

He asked who had made the remark, and the person stood up and identified himself.

The lobbyist for the sponsor of the bill cringed, because 20 minutes later this same person came to the microphone to testify as a witness.

- **Insist on giving lengthy testimony if time is short.** You'll only hurt your cause.
- **Stray from the prepared script.** If all the witnesses have agreed upon the order and content of the testimony, don't unilaterally change direction unless you've cleared it with the others.
- **Get up and distribute written material to committee members.** Indicate that you have handout material and ask to have the sergeant-at-arms distribute the material to the members.