

NOTES ON THE CONDUCT OF PUBLIC HEARINGS

I. CALL TO ORDER AND ROLL CALL

A. Call the meeting to order:

1. Strike the gavel, both to bring the room to order and to notify WisconsinEye that the meeting has been convened.
2. Ask members and visitors to take their seats.

B. Call the roll:

1. Ask the clerk to call the roll.
2. If members are missing but expected, you may want to announce that you will hold the roll open and that the clerk will note the presence of members as they arrive.

II. OPENING REMARKS

A. Welcome members of the public and thank them for coming to present their testimony.

B. You may want to request that committee members and visitors set cell phones to vibrate only.

C. Information you *may* want to provide (all optional):

1. The purpose of the hearing, especially if there is a special purpose, such as a briefing. For routine hearings on bills or rules, this may not be necessary.
2. The order in which bills, rules, or appointments will be heard, especially if you will deviate from the order on the meeting notice.
3. Your plans regarding executive action that day, i.e., that you plan to exec. certain items or that you do not plan to take executive action on anything.
4. How long you expect the hearing to last and whether you plan to break for lunch (seldom done).
5. Whether WisconsinEye is recording the hearing (though it will be fairly obvious if WisconsinEye is present).

D. Describe the operation of the hearing.

1. Inform people how to register to speak and that they may register a position without speaking.
2. You may want to announce the general order in which you will call speakers.
3. In long hearings, you may want to offer to speakers who have come a long distance or have other unavoidable obligations the opportunity to speak early.
 - a. Tell them to notify the clerk.

- b. Use this judiciously, or people will start taking advantage.
 - 4. If you intend to limit the length of testimony, you may want to announce that at the outset.
 - 5. You may want to instruct speakers to give written testimony to the messenger only when they are called to speak, to avoid the distraction to the members of receiving handouts during other speakers' testimony.
- E. If multiple hearings are going on at the same time, you may want to apologize to the public for the empty seats. Explain the situation and assure the public that each member will try to be present to hear at least some of the testimony; that staff of the missing members are present and taking notes; and that all members will receive copies of all written testimony.

III. THE HEARING

- A. The clerk sorts the hearing slips for each topic; you may use any order you choose, but a typical order is:
- 1. Author.
 - 2. Agency staff.
 - 3. A principal speaker in opposition.
 - 4. Other speakers who offer particularly valuable information or points of view.
 - 5. Remaining speakers, alternating for and against.

Note that this order ensures the committee hears a broad and fairly deep body of testimony early in the hearing.

- B. Call speakers in the order of the sorted slips.
- C. When a speaker is through, ask the committee members if they have any questions or pose any questions that you have.
- D. When the clerk gives you the last slip for a particular topic, announce this and indicate that anyone else wanting to speak should submit a hearing slip at that time.

IV. ADJOURNMENT

- A. Thank all those who came, once again, and if it has been a long hearing, thank those who stayed until the end for their patience.
- B. Declare the meeting adjourned, striking the gavel.

V. UNWRITTEN RULES AND COMMON PRACTICES (many are optional):

- A. The chair is in charge. The application of all rules and procedures is ultimately at the discretion of the chair. Exercise this discretion judiciously.

- B. The chair mediates all discussion and questioning is with the permission of the chair. Chairs vary in how strictly they observe this rule.
- C. Anyone present may register to testify, unless the hearing notice specifically states that testimony will be taken from invited speakers only.
- D. Members of the public may speak only when called to testify or if given express permission by the chair (uncommon).
- E. Only committee members may ask questions of the speakers.
- F. Speakers do not ask questions of the committee or committee staff.
- G. Legislative Council staff generally answers questions from the chair or committee members, when recognized by the Chair, and asks questions of speakers only at the request of or with the permission of the chair.
- H. Public demonstrations of support or opposition to any proposal, any individual, or anything that is said in a hearing is *not* permitted. This is necessary in order to maintain decorum and to provide a neutral setting in which people of all viewpoints may present testimony without intimidation. This rule is strictly observed.
- I. Speakers are asked to summarize their remarks, rather than reading from written statements. This promotes direct interaction between a speaker and the committee and, as a result, better communication. (Note: Making eye contact with a speaker encourages the speaker to talk rather than read.)
- J. Speakers are asked to avoid repeating previous speakers.
- K. In long hearings, you may set a time limit for speakers (3 minutes is common). Apply this rule fairly:
 - 1. When to impose the rule:
 - a. You may want to hear full presentations by principal speakers for and against before you set a limit on testimony.
 - b. Beyond that, it is best to impose the limit early in the hearing, not after a minority of those wishing to speak have already taken several hours of the hearing.
 - 2. Questions and answers can take a speaker far beyond a 3-minute time limit. This can be very useful, but it can be abused, as well.
- L. In long hearings, you may ask committee members to limit their questioning of speakers.
- M. Committee members are to ask questions, not engage speakers in debate. Rhetorical questions and debating speakers is a common tendency, and chairs vary in how much of it they will allow.
- N. Questions generally follow testimony, but members may interrupt speakers with the chair's permission. Chairs vary in what they allow.

- O. Keep in mind that how you conduct your committee will influence how the Legislature is viewed.
1. All participants – members, agency staff, lobbyists, and other citizens – will expect you to give them equal treatment, regardless of their political affiliations or opinions.
 2. When private citizens appear before your committee, you may want to consider:
 - a. They are giving their time without compensation to participate in government and to help inform your committee.
 - b. Attendance at your hearing may be the only direct contact with the Legislature they ever have.
 - c. They may be nervous; you may want to do what you can to put them at ease.

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