

Public Education and Information Committee

Re: Committee Testimony

1. Testimony may be taken serially or as part of a panel.
2. The chair should encourage but not mandate the advance preparation of written testimony. Reasonable time limits may be set at the discretion of the chair.
3. The chair should afford committee members with a reasonable opportunity to question witnesses.

Commentary

Legislative committees generally utilize two forms of testimony. The first takes the form of general topical observations by interested parties. In this instance and indeed in all matters, chairs are encouraged to be as inclusive as possible and invite a broad range of interests to participate. The second and traditional type of “legislative” testimony is written testimony submitted as a Proponent, Opponent, or Interested Party. Written testimony frequently assists the presenter in organizing his or her ideas. It also can assist nervous witnesses with getting a start on their testimony and sometimes allows those who otherwise might not be able to come forward to do so with an aid.

As committee members may occasionally confer with colleagues during testimony or while reviewing other materials, written testimony provides members with a way to “catch up” with testimony, or review a point made for purposes of a follow up question.

Written testimony also serves to allow committee members who were not present to at least get the “gist” of what occurred at the hearing, although it is a poor substitute for actual attendance and reviewing the recording of the meeting. Written testimony can and should be supplemented by a real dialogue and follow up questions.

Committees considering technical or contested issues may wish to consider testimony presented by a panel. Panels may consist of those who are strongly opposed or in favor of a particular proposal, but the most effective panels tend to be those presented by witnesses with differing but objectively or thoughtfully supported positions. For the committees’ work, these may range from experts on educational matters, election matters, former legislators, judges, or any member of professions or citizens impacted by the Constitution and the particular provisions being considered. The panel form of testimony is typically commenced with relatively brief written testimony, frequently supported by a more detailed presentation, with some of the most helpful testimony occurring during the questioning and exchanges which follow.

Testimony from opposing viewpoints should be invited and encouraged. Chairs should consider requesting that testimony be submitted at least 24 hours in advance of the hearing so that the testimony can be made available to public and committee members at or before the hearing, either in paper or electronic form. The chair should use his or her discretion to reasonably limit testimony. Given that the schedule will typically allow only for 90 minute hearings, this is particularly important.