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Public Affairs  
Council

# State Testimonies and Hearings Webinar

# Kelly Memphis

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2020 State and Local Government Relations Conference

**September 21-23, 2020**

Hilton Old Town, Alexandria, VA



# Creating Legislation and Testimony

April 1, 2020



# Quiz Question

Which one of the following April Fool's Traditions from around the world are FALSE?

- A. In the U.K. pranks must be conducted before noon.
- B. In French-speaking countries people pin a paper fish to a person's back.
- C. In Krakozhia people greet each other by grabbing your right ear.
- D. In Nordic countries press outlets traditionally run exactly one false story on their "front-page"





# Serlin Haley LLP

- Government Relations practice for over 15 years
- Offices in Boston, Washington DC, Maine and California
- Nationwide monitoring, intelligence and advocacy
- Identify strategic business goals and policy intersections
- Believe in proactively engaging to influence policy





# Strategic Use of Testimony

Why do organizations engage in the public process via testimony?

- First Amendment “...petition the Government for a redress of grievances”
- Project engagement (strength) on key issues
- Credential yourself and your organization
- Tee-up key amendments
- Manage public message
- Motivate supporters
- CYA ...



# Written Testimony

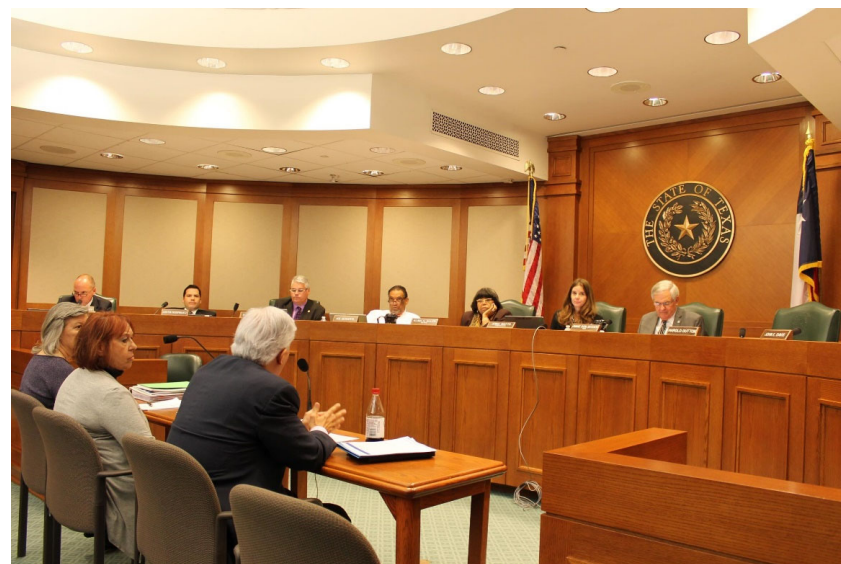
## Key Considerations

- It is NOT likely be read fully by legislators
- Still keep it concise
- Use formatting to draw out key messages
- Provide explicit amendment language
- Utilize your cover note to deliver top 1-2 points



# Drafting Your Oral Testimony

1. Know the process
2. Position Options
  - a) “For” “Against” & “Neither for Nor Against”
  - b) “Support” vs. “Oppose”
  - c) “Expert Witness”
3. Do you need to register with the committee?
4. Do you need to register as a lobbyist?
5. How many copies do you bring? Or how do you submit electronically?





# Developing Credibility

- Be knowledgeable of the state you are in
- Learn the state's geography – know towns and cities
- Know your organization/industry footprint in the state
- Know what is acceptable dress for meetings and testimony
- Meet with Committee Chairs beforehand
- Work with local lobbyists, associations and allied companies/members
- Don't talk about "DC" solutions, compromises agreements or models
- Be humble



# Presenting Your Testimony

1. Sign-up Sheet & Order of Testimony
2. Time limits?
3. Do NOT Read (Unless You Must)
  - Focus on 3-5 Key Messages
  - Know 2-3 Key Figures
  - Have a Personal Connection
  - Eye contact
  - Use your tone
  - If they fall asleep...
4. Media at the hearing?



# Preparing Others for Testimony

- Have a discussion beforehand on key messages
- Understand their motivation for testifying
- Educate them on the process
- Explain what a “win” would be
- Channel their emotions to solutions
- Urge them to be respectful
- If you are testifying as well – let them testify first
- Keep them informed after testimony





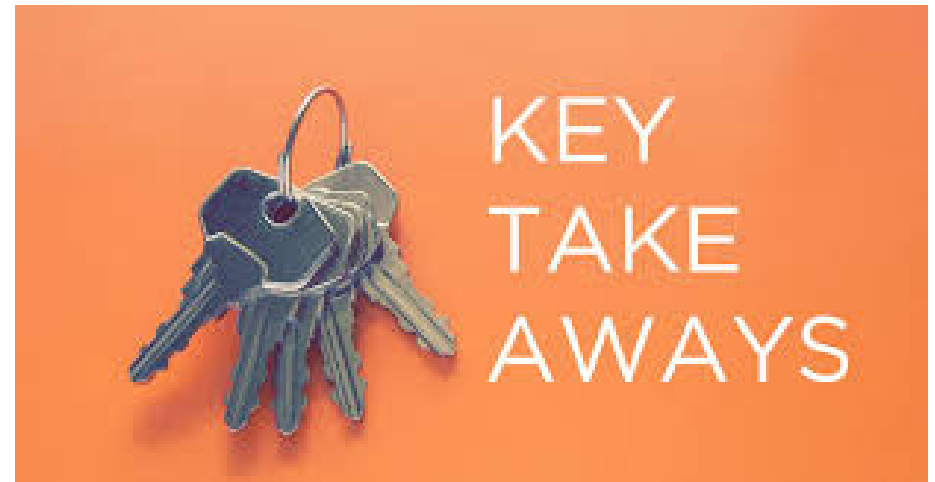
# Post Testimony Process

- Follow-up Questions
- Arguments to Refute
- Thank You's
- Social Media Utilization
- Grassroots Engagement
- Amendments
- Whip Committee Votes



# Key Take Aways

- Know why you are delivering testimony
- Know the testimony process
- Be credible & humble
- Credential yourself and your organization
- Make a personal connection
- Leverage post-testimony process





Thank You!

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# State Testimonies & Hearings

Matthew DiLoreto

Vice President, State Government Affairs

Healthcare Distribution Alliance (HDA)

# Background:

- ▶ **HDA:** The Healthcare Distribution Alliance (HDA) is the national organization representing primary pharmaceutical distributors — the vital link between the nation's pharmaceutical manufacturers and pharmacies, hospitals, long-term care facilities, clinics and others nationwide.
- ▶ Oversees HDA's nationwide state government affairs efforts.
- ▶ Previous Experience:
  - ▶ National Community Pharmacists Association (NCPA)
  - ▶ Pennsylvania Pharmacists Association (PPA)
  - ▶ Pennsylvania Dental Association (PDA)

*All information and opinions conveyed during this presentation are only those of the presenter, Matt DiLoreto, and do not represent the position of HDA, or any of its members.*



# When to Testify: Risk vs. Reward

- ▶ Is it expected that all interested parties testify?
  - ▶ Must you testify to be on the record?
  - ▶ If the risk to reward ratio is in question, does the possibility of submitting written testimony achieve your goals while decreasing risk?
- ▶ Identify both opposition and proponents to the bill
  - ▶ Which groups will testify with you? Which will testify for the other side?
  - ▶ Any missing groups or perspectives that should provide testimony?
  - ▶ Grassroots/Grass tops activation possibilities.
- ▶ Will your testimony garner political or public support?
  - ▶ If not, is there more risk than reward?
  - ▶ Does simply “being there” result in a benefit.
- ▶ What opinions of your interest group or position are already held by the committee members?
  - ▶ Is there a chance to change opinions? Does extending your position to the public assist in garnering support?



# Delivering Strong Testimony: Process, Presentation & Politics

## PROCESS:

- ▶ Know what's expected - protocols, time limit, format, registration, order, submission or written, etc.
- ▶ Is written testimony also expected - if so, use written to get "in the weeds."

## PRESENTATION:

- ▶ Don't read. Speak to the committee.
- ▶ Be succinct.
- ▶ Capitalize on your first few sentences: Who you are, position and why (the "ask")
- ▶ Be prepared to improvise and address other panelists comments and concerns.
- ▶ Be personable. Keep it interesting. Speak to the "real world."

## POLITICS:

- ▶ Know where committee members stand prior to testifying.
- ▶ Proactively address committee members concerns or criticism.
- ▶ Don't be afraid to not know. Provides you with an opportunity to follow-up after hearing.

# Testifying on a Sensitive Public Policy Issue

- ▶ Be involved in the process whenever and wherever possible.
- ▶ Coordinate with all necessary “departments”
  - ▶ Comms, Client/Members, etc.
  - ▶ Legal , Legal, Legal!
- ▶ Respect all positions – both personal and political.
- ▶ Understand that an issue may be extremely personal to many people.
- ▶ Agree with opponents when you can.
- ▶ Don’t get flustered or take confrontation personally. Politely accept criticism, but calmly defend your position.
- ▶ Meet with all committee members before testifying and understand their positions.

# Multi-State & Interest Group Management

- ▶ Utilize a national network of advocacy partners.
- ▶ Understand each state's unique protocols for providing testimony.
- ▶ Communications and Public Affairs is critical.
- ▶ Prioritizing based on available resources may be critical to success.
- ▶ Coordinate advocacy efforts with local representation and/or coalition partners.
- ▶ Have a strong team working with you, both consultants and colleagues.



# Case Studies & Q/A

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