



Washington State Senate

February 22, 2011

Senator Lisa Brown, Majority Leader
307 Legislative Building
Olympia, WA 98504-0403

Dear Senator Brown:

Between your Monday blog post asserting “legislators have embraced a politics of collaboration rather than of partisanship and division,” and the scorn that has rightfully been directed toward the Legislature for recent and well-documented failures to be open and transparent, we members of the Senate Environment, Water and Energy Committee were surprised and disappointed by Monday’s committee proceedings.

The lack of consideration for the public and minority party was so prevalent that the ranking member left before the meeting ended, having had more than he could tolerate. Here are our primary concerns about what occurred:

- The meeting was scheduled for 8:00 a.m. but brought to order at 7:59 a.m., with only the chair and a majority-party member present. The first bill on the executive-action list, Senate Bill 5110, was moved for consideration before any minority member was seated and voted out before the ranking member was seated, less than five minutes later.
- Senate Bill 5757, which would impose a \$200 surcharge on fees for water wells, was not on the Feb. 21 executive-session list e-mailed to committee members Friday afternoon. Committee staff acknowledged, when our ranking member inquired, that it was added to the voting calendar “over the weekend.” At this point in the session we try not to burden staff with work on bills that aren’t scheduled for executive action, so that weekend move essentially took away our ability to prepare arguments prior to voting.
- Senate Bill 5815 was brought for a hearing and then passed without any notice. Our ranking member asked when the bill had been put on the agenda; the chair announced he had “made the decision over the weekend to bring this forward for a hearing.” For our ranking member, that was the last straw.

SB 5815 is the most egregious example, but not only because of the surprise public hearing and vote that followed immediately. Even though none of us or the general public knew the bill would be heard, two county officials were present to testify in support of the measure. How that happened we can only guess, but it suggests an unseemly sort of collusion that again shut the public out of the process.

EWE Republicans to Senator Brown/2

We are concerned that this appears to be the second time in four weeks that the EWE committee's written procedures have not been honored.

Under "Conduct of Public Hearings," the procedures state: "*The purpose of the public hearing is to respectfully hear from the public.*" On January 28 a Washington State University agronomist testifying on Senate Bill 5194 was met with questions from committee members that seemed more impugning than respectful; when one of our members noted that, the chair quickly ruled him out of order. The committee procedures also state: "*The chair will make a strong effort to recognize all sides on every issue, so that a balance of viewpoints will be heard.*" Monday's surprise public hearing on SB 5815 meant zero opportunity for more than one side to be heard.

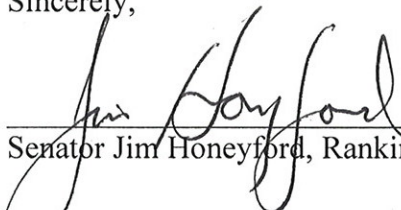
We certainly had hoped this session would not bring more of the surprise public hearings, votes on "ghost" bills and other tactics that prompted responses such as Senate Bill 5419, which would mandate specific notice and waiting periods before legislative action. However, the EWE committee's proceedings were not only reminiscent of what we saw in 2009 and 2010 but also did not represent, as your Monday blog put it, "working honestly together."

Ironically, the committee chair said Monday in urging support of Senate Bill 5051 that the bill "promotes some transparency" and allows the public to be aware of the "actions and decisions that are being made by a variety of agencies." Despite this professed concern for transparency and public awareness of government actions, the chair chose to take action on bills without giving the minority party or the public a reasonable opportunity to prepare and respond.

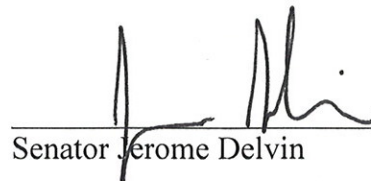
To his credit, the chair has apologized to our ranking member for the lack of communication and accommodation. However, that apology might not have been necessary had the chair taken time at the beginning of the meeting to go over the agenda, and allowed caucuses, instead of rushing into executive action as he did.

There will be many more committee hearings and votes before the 2011 session is through. We hope you will take seriously our concerns about the operation of the EWE committee and agree that open-government provisions and committee procedures are to be respected and followed, not pushed aside as they were on Monday.

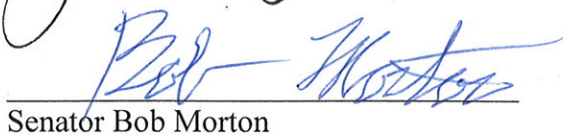
Sincerely,



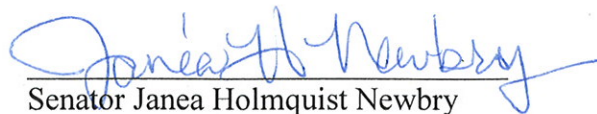
Senator Jim Honeyford, Ranking Member



Senator Jerome Delvin



Senator Bob Morton



Senator Jonea Holmquist Newbry

cc: Senator Mike Hewitt
Senator Phil Rockefeller