



## Washington State Senate

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Dear Colleagues:

I would appreciate your time in earnestly considering this letter.

I write to you deeply concerned that we are ceding our role too easily to the executive branch. The state constitution explicitly endows our branch with the legislative authority. It is we who have the power to make laws and spend funds. It is a power that we should carefully and jealously guard.

The executive is charged with a different role: enforcing the laws. (And the judicial branch with interpreting those laws.)

Checks and balances. Distinct spheres. This was a critical insight of both our federal and state founders in writing the constitutions. It is this framework that we swore to uphold. It is a framework we are presently shirking.

Our state is not designed to be run by a single individual – however well-intentioned – with the ability to suspend laws, close schools and businesses, decide personally how to spend billions of dollars, and unilaterally issue proclamations affecting millions of people for months on end. That is too much power for any one individual, and it is a form of government our predecessors would neither recognize nor endorse.

The Governor's present powers, delegated to him by our branch, were intended for times of emergency when the Legislature truly could not convene. But that is not our present situation. In our present situation, the Legislature does have the ability – and duty – to act.

Our state is confronted by many ills: public health, economic, budgetary, and education. All merit action by those with the constitutional power to make laws and determine spending.

- In our absence, the Governor will decide how to spend over \$2 billion in federal funds by the end of the year. This would be an unprecedented occurrence in our state's history. Ours is the branch charged with appropriating and deciding the expenditure of funds. Yet we sit idly by, content to receive emails from the Governor's office announcing how it plans to spend the money, and willingly cede our role.



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- In our absence, the Governor has issued a proclamation that as a practical matter prohibits five day a week in-person school in the coming academic year. Virtually all students will attend school two days a week. The basis for this result? One sentence of Department of Health guidance – not even a formal rule – that says school capacity must allow for six feet of distance between students. It is the Legislature's role to make laws and provide for the education of ALL children in the state. Yet we are readily ceding that power to the executive branch, which – via a DOH edict that is counter to the American Association of Pediatricians' recommendations – has functionally taken local control from school districts in deciding what form of schooling is best for their students, families and communities.
- In our absence, the state budget is in a projected multibillion-dollar deficit with an executive branch that can only wield the blunt instrument of across-the-board reductions to address it.
- In our absence, new and ongoing pronouncements from the executive branch continue unabated. Many have profound impacts that affect the very livelihoods of families. Nearly all have been made with no public feedback or input. I write this not intending to disparage their content, much of which I would personally support making permanent. But the concern is process, and proper role.

This is **not** how laws were meant to be made. It's simply not. We now find ourselves five months into this form of government, with deafening legislative silence – and apparent contemplation among legislators for continued silence until January.

That should be unacceptable to all of us.

It is time to weigh in and do our constitutional duty. I do not expect, being in the minority, to frankly like a lot of the outcomes arising from a special session. But we will have protected and upheld the constitutional role envisioned of us as lawmakers.

Sincerely,