

Speed and Secrecy Leaves the Public Out in the Cold

Written by Kathleen Vinehout, State Senator 31st District
Tuesday, 07 November 2017 16:22

<http://newiproggressive.com/images/stories/S5/capitol-night-wisc-s5.jpg>



Tuesday's State Senate calendar contains several bills that need time for proper debate, amendments to address significant concerns raised by the public, and bills that were sold as one thing and ended up being very different.

MADISON - In the past eleven years, I wrote 64 times about the problems of speed and secrecy in the legislative process. However, I never saw a calendar as broad and deep in controversy as the most recent one before the State Senate.

For weeks, we heard that the Senate would vote a hodge-podge of highly controversial bills. "Horrid," one staffer called the expected Senate Calendar. None of us, including the public, knew what bills would come up for a vote.

The cloak of secrecy raised a bit on Friday when we received the tentative list of bills. But even the day before the vote, we did not have the official bill materials and were scrambling to get details.

Often what happens on the Senate floor is non-controversial. Previous Senate session days, with many bills pending, had perhaps a handful that end up in a partisan vote. The Senate calendar for "horrid" Tuesday detailed opposition by the minority to a full fifty-percent of bills scheduled.

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Some of the bills were presented one way to Senators by lobbyists or constituents. However, the actual bill language or amendments added resulted in a very different bill voted out of committee. For this reason, some Democrats voted against bills they originally supported or removed their names as cosponsors.

Additionally, significant negative public testimony in public hearings should result in changes to a bill. Fixing problems with bills is the function of committee work. Many bills on Tuesday's Senate calendar were not fixed, which leaves Senators scrambling to draft last minute amendments.

Big policy questions are behind many bills up for consideration – questions that deserve a thorough debate.

Should we change laws regarding cooperatives? Should co-ops be allowed to violate the basic cooperative principles of “one member - one vote” or limit members’ access to financial records? Should nonmembers serve on the board of directors? Should voting power be based on patronage, which gives larger farms a bigger voice?

Important questions need to be answered about a series of bills that increase mandatory penalties for crimes, keep youth in prison longer, make it easier to send someone on probation or parole back to prison, and limit the ability of prosecutors to work with minor players in a crime in order to catch the kingpin.

We need to know how much it will cost to change rules related to probation and parole. While no routine fiscal estimate was done, a staffer found a Department of Corrections memo estimating the cost in the first two years at almost \$200 million. The cost is not part of the recently passed budget.

Another bill on the calendar that generated significant contact to my office is the question: should Wisconsin take action to call for a Constitutional Convention under Article V of the United States Constitution?

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Calling a Constitutional Convention opens up the entire US Constitution to rewriting by the delegates to the convention, despite the fact they may be sent by their state to vote for only a balanced budget amendment. These delegates would have powers superior to the President, the Supreme Court and the Congress.

Such a convention is an extremely risky venture in our fragile democracy. Wisconsin is one of nine states targeted by Koch brothers funded groups. Nationwide, only a handful of state legislatures need to pass laws to reach the threshold where such a convention would be called.

Another controversial bill would open up our state to sulfide mining. Our state has strong protections for the most dangerous type of mining. This bill changes the law to allow nonferrous (non-iron ore) metal mining. Among other concerns, the bill creates a fast permitting process that limits DNR's ability to collect scientific data.

The bills I mentioned and dozens of others deserve public scrutiny and extensive debate. Citizens need to be aware of the potential serious consequences of the action and weigh in on decision. Lawmakers need time to understand amendments, complex policy and balance competing concerns.

In an environment of speed and secrecy, legislators do not have the details to make good decisions and the public is left out in the cold.