

Spin Control: Defining 'infrequent' proves challenging for legislators

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The Spokesman-Review

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OLYMPIA – The biggest challenge for this period between sessions – or at least the biggest one after persuading the state Supreme Court not to slap the Legislature for ignoring a fairly plain order on school funding – may be to define the word “infrequent.”

As in “legislators may accept complimentary legislative business meals on infrequent occasions,” which is what their Ethics Code says.

The problem is somewhat akin to the medieval debate of how many angels can dance on the head of a pin. Great minds of the Middle Ages concluded a whole bunch of angels; some legislators have apparently adopted a similar view of what constitutes infrequent freebie meals from lobbyists.

The Legislative Ethics Board had defining “infrequent” on last week’s agenda but came to no conclusions. One suggestion was that once a week would be infrequent; anything more would not.

This might be a reasonable definition as long as those legislators who apparently are starved for company and nourishment don’t convert that standard into a punch card with 52 circles to be used at any point during the year. In a 60-day session, that would allow them to dine on someone else’s dime for all but eight of the days between the first and last gavel, or double up some days with a lunch and a dinner, or even two dinners.

As Rep. Matt Manweller, R-Ellensburg, observed at last week’s meeting, he sometimes gets invited to as many as four dinners in a night. His concern is not being influenced, but “that I’m going to get fat.”

Perhaps a simple way to alleviate concerns about influence peddling and increased body fat would be to come up with an easier word to define: No, as in “accept complimentary meals ... on NO occasions.” With the additional \$30 per diem legislators have approved

for themselves, would it be too much to ask that they pick up their share of the check? Maybe then they could steer the location to cheaper and more healthy dining options.

Courting contempt

The state Supreme Court's order for the Legislature to show up at the Temple of Justice on the first week of September and explain why it shouldn't be held in contempt is prompting some interesting speculation around the Capitol campus.

For example, the court's order actually is for "the state" to show up, but it would be difficult to fit the 6 million-plus residents into the smallish courtroom, and it's clear from the rest of the order that the court is really just peeved at the Legislature. All 147 legislators wouldn't fit in the courtroom, and even if they could, there's no way the court would want to hear from each one.

If they did, the nine honorable justices would get a wide range of opinions on the case, some of them disagreeing so much as to be disagreeable or even contemptuous. But that's not capital-C contempt, which is what the Legislature is facing. Speculation abounds as to the penalty for the big C. Legislative leaders being led out of the courtroom in handcuffs and forced to wear ankle bracelets showing them to be in the Capitol until a deal is done? The Legislature being ordered to pay a fine, which would come out of the General Fund ... and go into the General Fund? The court itself crafting a state budget that spends more on schools, finding the money by boosting revenue or cutting other programs?

Even legislators who agree the state should be spending more on public schools might try to lecture the court on the separation of powers. That was the subject of a Senate Law and Justice hearing last week that delved deeply into the constitutional problems of the court ordering the Legislature to do something that it doesn't have the votes to pass.

Gonzaga School of Law professor David DeWolf told the committee there's no precedent for the state Supremes sanctioning the Legislature for not doing something the court said it should. Presumably legislators who would vote no on a school budget that would pass court muster are representing their constituents just as the legislators who would vote yes; and if there aren't enough yes votes, who would be ordered to change to "Aye" to get the needed majorities and go back home to explain themselves to the voters?

"We are in uncharted waters," said DeWolf, who questioned whether the court had the power to order the Legislature to pass specific amounts of money for education. "I don't think capitulation is the responsible thing to do."

Spin Control, a weekly column by political reporter Jim Camden, also appears online with daily items and reader comments at www.spokesman.com/blogs/spincontrol.

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