

Bored/peevish lawmakers use bills to score rhetorical points

Call this one “How a Bill Becomes a Joke.”

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It’s similar to those high school civics presentations with the little cartoon bill, you know the one that celebrates the democratic process. Similar, except this version kind of does the opposite.

It begins when legislators in Olympia have spent too much time together. Like-minded ones start talking – maybe over adult beverages – about the news of the day. Someone makes a cynical joke. It’s funny enough and everyone in the circle gets a laugh. Then someone decides to turn it into a bill.

The sponsors of Senate Bill 5867 kept a straight face when they swore they were completely serious about the plan to reduce the size of the Washington State Supreme Court from nine justices to five. Budget cutting, they said.

“The Legislature finds that given the tremendous strains of the state budget, it is crucial to view all state operations in light of the state’s paramount and constitutionally required duties,” the bill begins. Hmmm. Paramount duty is the language cited by a unanimous court last year when it ruled in *McCleary v. State* that the Legislature’s funding of education was constitutionally lacking.

“Given the nature of this mandate, the Legislature finds that it can no longer justify the luxury of four additional supreme court justices,” SB 5867 says. The savings are in the half-million-dollar range while the need for public education is in the multi-billion-dollar range.

SB 5867 makes an even-more-obtuse connection to the court's recent ruling in *League of Education Voters v. State*. That's the 6-3 ruling that the constitution requires only a vote of a majority of elected lawmakers to raise taxes rather than a two-thirds vote imposed by initiative.

Republican sponsors are Michael Baumgartner of Spokane, Doug Ericksen of Ferndale and Janea Holmquist Newbry of Moses Lake. Could it be these lawmakers are still peeved about losing in court? Could they have decided it would be just deserts to have the justices draw straws to see who goes and who stays?

Funny though (peculiar, not ha-ha) that lawmakers outraged that a voter-approved initiative was nullified by the Supreme Court think nothing of having voter-elected justices eliminated by the Legislature.

I can imagine the sponsors and their partisan staffers exchanging high-fives at their fraternity prank. But it shows a not-so-funny misunderstanding of constitutional government, American style. The independence of the court, after all, isn't just an example of separation of powers as cited in the bill. It is also a manifestation of checks and balances.

That doctrine requires the court to call the legislative branch and the executive branch on its violation of the constitution in *McCleary*. It even requires the court to tell voters they are free to legislate via initiative but they too are constrained by the constitution.

Of course, defending separation of powers is easier when the court does something you agree with.

Using legislation to score rhetorical points isn't only a phenomenon of the right. Also last week, liberal Democrats in the House, including Laurie Jenkins of Tacoma, Mike Sells of Everett, Timm Ormsby of Spokane and Sherry Appleton of Poulsbo, introduced a bill that made fun of another bill that would create a training wage for teenage workers.

The Democrats' version, House Joint Resolution 4003, would create a training wage for freshmen legislators. Newbies would earn 75 percent of the regular pay of \$42,106 a year – the same discount the GOP bill would apply to young workers.

Unlike sponsors of SB 5867, these folks admitted they were just trying to score rhetorical points, which is honest at least. They have now withdrawn the resolution

Still, some beleaguered staffer has to draft this stuff, the code reviser has to put it into legal form and a swamped committee staffer might even have to research a bill report.

All this so a joke can become a bill that becomes a joke.

How about next time they just tell it to the bartender.

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