http://newiprogressive.com/images/stories/S5/capitol-night-wisc-s5.jpg

As the Republican leadership in Madison rush to move complex and controversial bills through the legislative process, legislators and the public don't have access to changes in proposals offered until just before committee hearings. Thoughtful and meaning dialog on the impact of complex legislation is compromised when speedy passage becomes more important than open debate.

MADISON - "How can we digest all your work in this short amount of time?" Senator Bewley asked the Chair of the housing committee and author of the bill before her. An amendment replacing the bill was released just before the hearing on that bill.

"How can we have a thoughtful and intelligent discussion...we just got this stinking thing a few hours ago."

The bill, SB 464 (which has an Assembly companion - AB 582) was complex. The bill's author said he wanted to avoid "moving the goal post" on a development project. Among other things, the bill froze in place laws on an industrial development once a minor approval (like a driveway permit) was granted even if the project would not be completed for years.

The Towns Association called the legislation, "One of the most damaging bills to local control in recent memory."

The committee Chair said he negotiated with local groups to remove the most egregious parts of the bill. It was impossible for anyone at the hearing, including the Senators on the committee, to say what was actually in or out of the twenty-page bill they just received.

After 5:00pm, the committee finally took up SB 464. It was the last on the agenda and many people had waited since 11:00am to testify.

Citizen after citizen who testified shared their concerns about the bill and offered some version of “I don’t know what’s in the bill and I don’t know if you’ve fixed the problem.”

People who waited all day in the Capitol hearing room to speak said they had no way of knowing a new version had been posted on a website. They gave up a day of work, used a vacation day and left home early to travel to the Capitol. No one told them about the revised bill or offered to give them copy.

During that day, in another hearing room, people testified against removing the effective ban on nuclear power plants. In a third hearing room, people waited to testify against a bill that would make extensive changes to protections for lakes and rivers.

All were controversial making big changes to public policy. There were six hearings happening at the same time. Twenty-two bills were voted out of committee. Many were introduced over the Holidays and rushed to public hearing right after the New Year.

That day the Senate Sporting Heritage, Mining and Forestry Committee, of which I am a member, heard a bill on fish farming. I asked the Chair why the bill was not assigned to the Ag Committee and he said, “It deals with water.” You’d think it would sent it to the Natural Resources Committee.

Knowing what was in the bill and how it interacted with existing laws related to water and agriculture was important for understanding the consequences of the bill.

Again, I received the bill just before the committee hearing. Supposedly, the bill was introduced the day before the hearing. Details of its exact impact were scarce.

Again, the bill was complex. It changed protections of streams and springs, altered water flow over dams (which affects streams) and interwove state and federal rules.

Again, the Chair was also the author of the bill. He and I were the only legislators at the hearing. All other Senators had two or more hearings at the same time.

I like fish. I keep two large aquariums and fiddle with water chemistry for fun. In full disclosure, the fish farmers named me their Legislator of the Year several years prior. I want fish farmers to succeed, but not at the expense of our Wisconsin waterways.

The homework needed on the bill was not possible with members pulled to other committees and the bill rushed so fast no one had a chance to read it. I sat in the public hearing, I was pretty opponents did not even know the bill existed.

Speed and secrecy have become all too common in the Capitol. Democracy suffers. Public interest suffers.

The process works best when – to use a fish analogy – we treat legislation like fish – open it up, set it on the table, let the sunshine in and see if the fish smells.