

Legislative Speed and Secrecy Undermines Deliberative Democracy

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Sen. Kathleen Vinehout writes about the frenetic pace at which bills are moving through the legislative process. Members of the public are working hard to get their voices heard on bills that have real impact on their lives, but this speed coupled with lack of information leads to poor legislative decisions.

MADISON - “All your work has made a real difference,” Linda, my staffer, told Mrs. Gifford. She and her husband traveled to Madison to personally deliver letters to every Senator.

“Well, aren’t you nice,” Mrs. Gifford responded. “You just made my day!”

Twenty-eight minutes before the vote on a bill that would make significant changes in high capacity well rules, the Senate Agriculture, Small Business and Tourism committee clerk came to my office and said that bill was removed from the list to be voted out of committee.

As he left our office, he passed Barbara Gifford and her husband Jim who came to ask me to vote against the bill. For the moment, it looked like the Giffords were successful.

Senate Bill 239 is one of three bills that would alter the way Wisconsin grants permits to drill a high capacity well – a well that pumps 70 or more gallons per minute of groundwater. The bill prevents the DNR from reviewing existing high-cap well permits making them approved forever.

Wisconsin's Constitution protects our water for the use of all residents. This bill would change things to "first come, first serve" - or, as one farmer described it to me, "the first one with the straw in gets to keep the most water."

Mrs. Gifford lives in a part of the state where high capacity well operations have shrunk lakes, dried up springs, slowed flowing rivers and reduced drinking water supplies.

Some lawmakers did the hard work of balancing policy between the use of water for industry and agriculture and water supplies for drinking and recreation. Senators Cowles (R-Green Bay) and Miller (D-Monona) each wrote thoughtful bills to make real strides in solving the problem.

But SB 239, which is being rushed through the Legislature, simply gave everything to industry with little thought to the future – or the Wisconsin Constitution.

Even with little notice about the committee vote, Mrs. Gifford and her friends slowed the bill by their public advocacy.

Speed and secrecy dominate Wisconsin's Capitol these days. The practice to vote bills out of committee the same day of its public hearing has regrettably become routine.

Public input from folks like the Giffords is vital in a democracy. Public input answers the question, "What will this bill do?" Lawmakers often learn a bill will do things the author never intended.

One bill with unintended consequences is Senate Bill 747, which changes the practice of massage therapy, authored by Senator Harsdorf (R-River Falls) and Representative Tittl (R-Manitowoc).

The bill appeared on the official Senate Agriculture, Small Business and Tourism committee calendar just one day before the public hearing. The public hearing and the vote out of committee happened the next day and left dozens of unanswered questions.

The bill would make it a crime – with possible 90 days jail time – for anyone who practiced massage therapy or “bodywork” without a license.

I had only a short time to talk with massage therapists about the bill. After I explained what the bill did, both women I called said “WHAT? Put massage therapists in jail? That makes no sense.” Indeed.

Senate Bill 747 would add a number of activities to the practice of massage therapy. Using elastic supportive tape, kneading soft tissue, stretching, even giving advice for self – would require a license. If you did these things without a license, you might go to jail. No one knew how much this would cost.

“The bill should not be here, before us now because we don’t know the cost,” reminded Senator Erpenbach.

Senator Taylor pleaded with the committee chair to postpone the vote. “We may be able to come up with a solution but we can’t do this with a quick hearing and exec in one day.” Like many Senators, she had two hearings scheduled at the same time and a host of other issues demanding attention.

“I can’t get input [from constituents], Senator Taylor told the committee. “Seriously, I hope we would delay this.”

The bill passed on a party line vote.

Speed and secrecy almost always leads to poor legislation. Public hearings exist to gather the

public's ideas, expertise and values. The result of sharing information between lawmakers and the public is better decisions for everyone.

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