



Washington State Senate

December 17, 2012

Sen. Rodney Tom
PO Box 40448
Olympia, WA 98504-0448

Senator Tom,

Thank you for your letter dated December 14, 2012. I feel it is necessary, based on your letter, to clarify several points related to our current Senate rules and organizational structure.

Under current Senate rules, which were adopted in Senate Resolution 8604, the Senate's existing organizational structure will remain effective until the 2013 legislative session convenes in January and a new Senate resolution is adopted. Under the current and past Senate rules, and longstanding past interpretations of those rules, the majority caucus is defined as the party containing the most elected members, which currently remains the Democratic Caucus. As such, the majority leader is elected by the Democratic Caucus under the provisions of our own caucus rules.

In accordance with the provisions of our own caucus rules, I have been elected the leader of the Democratic Caucus. A Committee on Committees has been appointed to develop the formal caucus proposal on committee structure and membership, which is ultimately voted on by our caucus and then submitted to the lieutenant governor. According to longstanding Senate practice, the lieutenant governor then appoints the committee structure and appointees as presented to him by the majority caucus.

In my counsel's interpretation of Senate rules, accomplishing the ends that you and the Republicans seek requires a change in the permanent rules of the Senate to redefine what a majority caucus is, as well as a change to the current governance structure to recognize a new position of Senate leader with as-yet unknown authority, duties and responsibilities. After discussions with Lt. Gov. Owen, it is my understanding that his interpretation of current Senate rules is consistent with this interpretation and, until such time as the Senate rules are changed, that he will continue to recognize the Democratic Caucus as the majority caucus of the Senate. It is also my understanding that he has advised the Republican leadership of this interpretation.

Therefore, as Senate majority leader under current Senate rules, I will accept your December 14th letter indicating which committees Sen. Sheldon prefers as a statement of

preferences for committee membership just as I would for any other member of the Senate, and will accordingly present it to the Committee on Committees for consideration.

In that vein, I would note that members of our caucus reject the notion that both you and Sen. Sheldon are, under your proposed structure, designated as Democrats for committee membership allocation purposes, even while you intend to organize and caucus with the other 23 elected Republican members of the Senate. For example, we recognize that this would provide the Republicans with an effective 12-7 majority on the Rules Committee, as well as a 3-1 majority on the very important energy committee with Sen. Sheldon as one of the “Democratic” members.

I believe it is important to consider that we have over one-hundred years of precedent to call upon in understanding how the Senate as an institution operates; Senate rules related to governance and organization have remained relatively unchanged over time. In relation to a potential change to the Senate rules, I would also note my concern about the importance of maintaining the institutional integrity of the Senate. I am wary of implementing untested wholesale changes to our Senate rules if those changes involve the input of only a self-selected few members making decisions for the entire Institution. In the past, even minor changes to Senate rules have been approached in an inclusive, collaborative manner – fully involving both parties and giving all members an opportunity to review the changes and participate meaningfully in the process well in advance of the proposal going forward on the floor.

Last biennium we saw how this process worked effectively when an amendment to the rules was introduced and passed allowing only a simple majority vote to amend the operating budget on the floor rather than a two-thirds supermajority threshold. That rule change was jointly sponsored by Sen. Zarelli and me, and was caucused on by the entire body prior to being brought forth on the floor. This was in order to ensure that long-standing implications were understood and vetted.

The yet-unseen changes to Senate rules currently being contemplated would impact the entire governing structure of the Senate and undoubtedly have long-term consequences for the public. Rather than implementing a change developed by a select few with only short-term goals in mind and approved with the bare minimum votes required, I sincerely hope that any institutional changes will be made through a process that involves the voices of all members of the Senate, gives equal representation to all citizens of our state and develops a structure that will prove effective for generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read "E. J. Murray". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Senate Majority Leader Edward Murray
D-Seattle