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WASHINGTON LAW REVIEW

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SYMPOSIUM: RECENT WASHINGTON LEGISLATION

INTRODUCTION

August P. Mardesich*

The productivity of a legislative session is usually measured by evaluating its substantive enactments. The 43d Washington Legislature enacted several measures which addressed some crucial problems facing the state: reform of divorce laws, landlord-tenant relations, civil commitment procedures, compensation to crime victims, implementation of equal rights and protection of the environment.

But the evaluation of the session should not simply conclude with the analyses of these measures which follow in this volume. Attention should also focus on the new legislative procedures which were generated during this last session because the quality of any legislation is, in part, a function of the manner in which bills are introduced, the atmosphere in which they are studied, and the means by which they are pushed to final passage.

Dissatisfaction with overlapping committee structure, with inefficiency, and with poor legislative understanding of many bills finally resulted in changes designed to improve and streamline the legislative process. Two innovations stand out: the simplified committee structure and the continuing session concept. Both require elaboration because they are essential to improved legislative functioning.

The 43d Legislature amended its rules to establish parallel committees in both houses with emphasis on joint hearings. This procedure

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utilizes legislative time more efficiently. Joint hearings not only are convenient for those witnesses appearing, but they also acquaint the members of each house with the concerns of their colleagues in the other house, thus reducing House-Senate conflicts.

Furthermore, legislators are now limited to membership on three committees. This limitation concentrates a legislator's focus and allows him to develop greater expertise and knowledge about particular areas than was possible before.

The continuing session concept is designed to provide needed legislative efficiency, quality and flexibility. Essentially, the standing committees continue to meet during the year and the entire Legislature is called back into session only when there are enough bills for its consideration. This procedure achieves several purposes. Most significantly, it should forestall the demise of the citizen Legislature. As demands for legislative action increase, so does the tendency to create a full-time professional legislature. The result of this tendency is that the legislative body can become insulated from the people and can take on the negative characteristics of a bureaucracy. The continuing session concept not only allows a legislator meaningful time in his district in direct contact with its problems, but also provides a forum for those problems to be analyzed. In addition, this year has marked a significant increase in public hearings. While the public has not yet been as responsive as expected, it is hoped that citizens will utilize these hearings more frequently to make their ideas known. Thus, the continuing session is not a step toward a full-time professional legislature, but rather is a means of maintaining and strengthening the citizen Legislature.

Another benefit of the continuing session is refinement of legislation. Defects in bills are exposed and minor problems which previously had escalated into major obstacles during session now are ironed out beforehand. Thus, when a bill is finally presented to the entire legislature for consideration, debate should focus on fundamental policy differences and issues rather than on technicalities.

It is premature to assess the extent to which these changes in the legislative structure will produce more wise and responsive legislation, but they are at least a beginning. Many serious problems remain which affect the atmosphere within which the legislative process functions. Campaign financing, conflicts of interest and legislative salaries are not glamorous problems, but their impact is significant. The care

with which these problems are considered and resolved will be reflected in the quality of future legislation. I call on all concerned citizens and members of the Bar to give these issues probing consideration and to join in their resolution.

Leonard A. Sawyer**

It is an honor for me to prepare an introductory comment to this important issue of the *Washington Law Review*. The *Review's* concern with both the products and procedures of the Washington State Legislature reflects the growing interest of scholars in the legislative branch of government.

In the preceding pages my colleague, Senator Mardesich, has aptly described several of the internal changes made by the 43d Legislature. I agree fully with his comments as to the importance of these changes and their impact on the quality of legislation. One additional improvement made by the 43d Legislature, however, seems particularly worthy of comment: the establishment of a professional research staff.

The staffs of previous legislatures generally were appointed on a patronage basis. Typically, staff members obtained employment because they had performed campaign work or political favors for committee chairmen or other influential legislators. As a result, legislative standing committees were staffed all too often by part-time employees with neither legislative research skills nor familiarity with the subject matters within their committees' jurisdictions. Needless to say, this kind of nonprofessional patronage staff was not capable of providing the Legislature with the research and information which it requires in order to intelligently consider legislation. In contrast, the standing committees' staff of the 43d Legislature is composed primarily of professional persons. It is interesting to note that lawyers constitute the largest block by training of the research staff of the House of Representatives, and each House standing committee is provided with legal services.

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Because of this improvement in support personnel, the Legislature not only has increased its capacity to intelligently consider legislation, but at long last has placed itself in a position where it can adequately review and check the executive branch. This enhancement of the legislative staff should serve the public interest well.