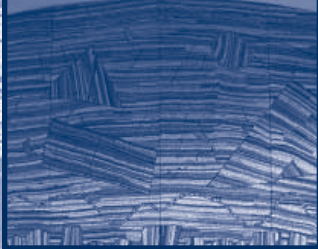


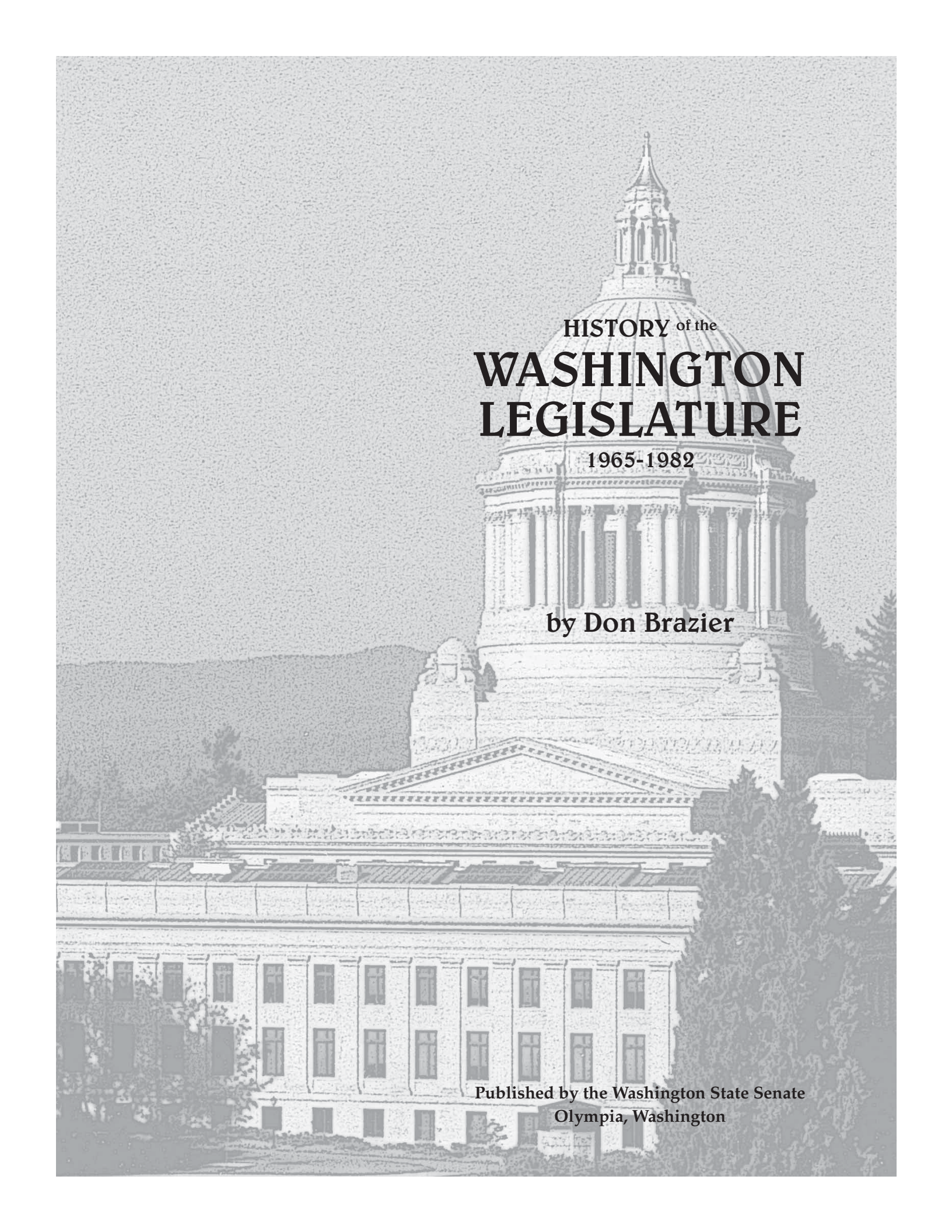
HISTORY of the  
**WASHINGTON  
LEGISLATURE**

1965 - 1982



by Don Brazier

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*Cover photos top to bottom:*

John L. O'Brien Building  
The Twelve Labors of Hercules  
John A. Cherberg Building  
Alden Mason mosaics

*Cover background photo:*

Washington State Legislative Building

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## Preface

In September of 2000, the State Senate published the Legislative History of 1854-1963. Dozens of people have asked me why I stopped at 1963. Every effort was made to be objective and impartial in presenting a brief legislative history. Since 1965 I have been present in Olympia during part or all of every session. Much of what is written in this addition covering 1965-1982 is tempered by personal recollections and observations.

Unfortunately, these 75 year old eyes can no longer handle researching on the microfilm machine. We now have a comprehensive oral history program in place. This should be an adequate record of the Legislature's activities for future generations.

My explanation for the absence of footnotes or source notes on this writing is that it is based entirely on reading the accounts of the sessions in several daily newspapers and upon my own recollections.

My special gratitude goes to Senate Majority Leaders, Sid Snyder and Marc Gaspard and their predecessors, Al Rosellini, Augie Mardesich, Gordon Walgren and Ted Bottiger who supported my efforts to get the original manuscript published and finally undertook to have the State Senate do the publishing. My thanks also go to Marty Brown and Tony Cook who as Secretaries of the Senate helped make the publishing and production possible. Secretary of the Senate Tom Hoemann and his right hand man Brad Hendrickson and their aides have been most helpful in the production of this supplement. Special thanks to Linda Jansson in the Secretary's Office for her assistance in turning my handwritten manuscript into a typed document, and to LeeAnn McGarity in Production Services for her artistic talents in designing and preparing the document for publication.

**Don Brazier**  
**History of the Legislature**





Nationally, the 1964 election was a disaster for Republicans. One of their very few bright spots was the election of Dan Evans, as Washington's Governor. However, his victory did not help Republicans in the state legislature. The margin in the senate remained 32-17 in favor of Democrats. In the House, the Democrats gained nine seats for a 60-39 majority. The new Governor was greeted by a legislature heavily dominated by the opposing party.

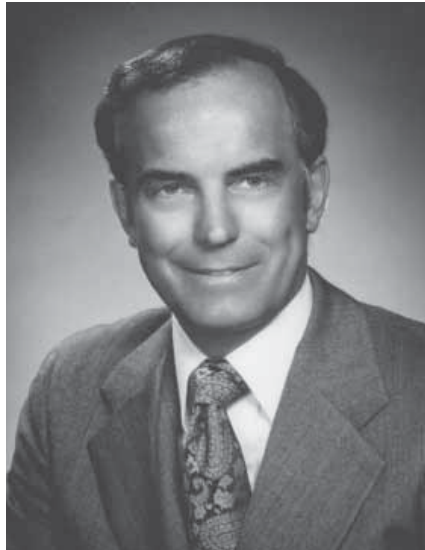
An unprecedented challenge faced the new legislature. By an order of Federal District Court they were prohibited from passing any legislation until they enacted a new reapportionment law in accordance with the 1962 "one person, one vote" decision of the United State Supreme Court.

As always the legislature convened at noon on the second Monday in January. The new Republican Governor was scheduled to be sworn in at noon on Wednesday. The Democratic majorities had until that time to pass a redistricting bill and get it signed by outgoing Democrat Governor Rosellini. The forty-eight hours from Monday noon until Wednesday noon was particularly hectic as the Democrats tried to hurriedly pass an acceptable redistricting bill. However, they could not get their act together on a bill acceptable to both Houses and thus the stage was set for the stand-off which lasted for forty-seven days.

It was subsequently revealed that the Republicans were prepared to have the new Governor sworn in at 12:01 a.m. on Wednesday. They even had a Supreme Court Justice standing by to perform the swearing in ceremony. However, by late Tuesday evening it was apparent that a redistricting bill would not be passed before Wednesday and the Democrats proceeded with the inauguration ceremony on Wednesday at noon. The stage was now set for the prolonged battle between the Democratic legislature and the new Republican Governor and his veto pen.

In the Senate, the redistricting effort was managed by majority leader R. R. "Bob" Grieve. In the House, the Democratic effort was managed by Representative Gary Grant of Renton whose name appeared as the prime sponsor of the much amended bill which finally became law. The Republican redistricting effort was managed by Representative Slade Gorton of Seattle. The saga of the forty-seven day battle could easily be the subject of a lengthy dissertation. Only a few of the highlights will be touched upon here.

Many have argued that Senator Grieve was more concerned about protecting a few of his Senate allies than about achieving the best possible result for Democrats. Some House Democrats claimed in the end that he had sold them out. In any event, the bill that was finally passed resulted in the Republicans winning a majority in the House for the following six years while the Senate Democrats continued to maintain a comfortable majority.



Governor Dan Evans.  
Governors Portrait  
Collection, Washington  
State Archives.



Governor Albert Rosellini

The Senate did confirm thirty-seven appointees of Governor Rosellini in the forty-eight hours before Governor Evans took over. The redistricting battle then began in earnest. By the second week of the session a bill was sent to the Governor and it was immediately vetoed. The Governor also called for a meeting on redistricting among the interested parties. The House quickly passed a new bill but the Senate found it totally unacceptable.

Early in February the Governor suggested his own plan which included more swing districts than any proposal pending in either House. It was not enthusiastically received. The Senate countered with a bill which contained a referendum calling for a vote on March 18. The President of the Senate had ruled that attaching a referendum was acceptable. This proposal, however, bogged down and the referendum proposal was abandoned. At this point in part to ease the constant intrusion of kibitzers, much of the negotiations moved from the Capitol to a downtown hotel. By this time mid-February was approaching and the Democrats passed a second bill which they sent to the Governor for a certain veto. Many Democrats admitted they could not have passed the bill but for the certainty that the Governor would veto it. At one point negotiations hung up over establishing district boundaries in the Spokane area. Once that was tentatively resolved the controversy centered on the thirty-second District in North Central Seattle.

In the aftermath of the second veto, negotiations moved into the Governor's office for a session which the House Democrats did not attend. Pressure to reach a solution was increased when the federal court set a hearing for February 26.

The Senate now passed a bill after an all-night session. The bill initially had failed, 29-19. On reconsideration it passed 30-18 with twenty Democrats and ten Republicans voting yes. The House then defeated the bill 51-48 and asked the Senate to recede. The Senate refused leaving the House poised for the final climax after the Senate also refused to go to conference. At this point, Attorney General John O'Connell asked the court to delay the hearing date until March 9.

The House twice defeated the pending bill by one vote and then adjourned. Upon reconvening the measure finally was passed and sent to the Governor who promptly signed it into law. The House vote on final passage was 56-43 with seventeen Democrats and all thirty-nine Republicans voting yes. The House Democratic leadership went down loudly claiming that their own Democrats had sold them out. There may have been some truth in this allegation as the Democrats did not regain control of the House until after the next reapportionment prior to the 1973 session. On March 1, the court approved the new districts. As a result of the new law six Senators and twelve House members were left without districts.

On the forty-eighth day of the sixty day session the legislature was finally freed to enact legislation and to adopt a budget for the ensuing biennium.

It was obvious that this could not be accomplished in the remaining twelve days. When the new Governor was inaugurated in January he had offered an ambitious legislative program dubbed the "Blueprint for Progress," a follow-up on issues emphasized in his campaign. Included were proposals for civil rights legislation, creation of a Department of Transportation, constitutional revision, water resource reform, highway construction, construction of a third Lake Washington bridge, broad expansion and reorganization of the Community College system, and creation of a new four year college. The Governor also stated that as much as \$70 million in new revenue would be required in order to produce a balanced budget. In order to accomplish this he proposed consideration of a sales tax on services. This idea met immediate hostility from Democrats. Particularly harsh in their reaction to the proposal for a sales tax on services were two very influential Democrats, Senate Ways & Means Committee chairman Frank Foley and House Speaker Robert Schaefer. Both were lawyers from Clark County where sales tax expansion and increase have always been unpopular (Clark County borders on Oregon which has no sales tax.)

The Evans' budget proposal was \$167 million higher than that proposed by outgoing Governor Rosellini. This also drew harsh criticism from some Democrats.

The matter of legislative compensation had been under intense scrutiny for several sessions. The sixty day biennial session had become a myth. Sessions of one-hundred days or more had become the norm while legislative salaries remained at \$100 per month. At the beginning of the 1965 session legislators raised their per diem from \$25 to \$40 a day. As always this change resulted in the usual political rhetoric. It is interesting though that almost everyone accepted the increased per diem. Before the lengthy session ended an agreement was reached to increase salaries to \$300 a month and cut per diem back to \$25 a day. Once again there were a lot of hero speeches decrying the huge salary increase. All of those who returned in 1967, however, accepted the higher salary.

To their credit, the legislators worked diligently and spent long hours on the floor during the closing days of the session to accomplish as much as possible. Over two-hundred twenty-five bills were passed, most of them non-controversial. Contrary to prior practices an agreement was reached whereby all bills remained alive for the first ten days of the extraordinary session. As the regular session ended the Senate failed to confirm two Rosellini appointees to the Highway Commission. They did, however, confirm the controversial appointment of former King County Sheriff Tim McCullough to the State Parole Board by a 25-23 vote.

Both bodies passed and sent to the Governor a pension modification bill which he vetoed. Legislation providing collective bargaining for state employees also passed. It is interesting to note that the two unions representing employees took opposing sides on the measure. When it reached the Governor it was vetoed.

As had happened in several earlier sessions, the House passed a resolution for a Constitutional Convention only to have it die in the Senate Committee of the cantankerous Senator John McCutcheon. The House also passed Representative Sam Smith's moderate open housing bill 72-20 only to have it disappear in the Senate with no action before the cutoff date.

An issue which had been around for decades, an Aberdeen-Olympia canal, reappeared in the House where a feasibility study was passed 82-12. A House resolution for annual sessions was favored by a substantial majority but failed to obtain the required two-thirds vote necessary to present a constitutional amendment to the voters.

The House passed legislation to reorganize the community college system and called for a plan to be presented to the 1967 session. There was also created a twenty-four member commission to study and make recommendations for location of a new four-year college.

Since statehood the members' only individual office space was their desk on the floor. There had developed a strong movement to provide additional office space. At the same time parking in the vicinity of the Capitol had become critical and a debate arose as to whether available funding should be used for office space or for a garage. The Governor stepped in to suggest a compromise. In the end an agreement was reached. Office space was provided for in the Public Lands (Cherberg) and the Public Health (O'Brien) Buildings and a large underground parking facility on the East Campus was also approved.

All of April and the first week in May were consumed in trying to achieve an agreement on the budget and taxes. Meanwhile there were other modest accomplishments. A compromise was reached on amendments to the Industrial Insurance laws. A modest ethics bill was passed and signed. A Congressional redistricting bill which met the approval of all members of the state delegation was passed but was vetoed by the Governor. This was resolved by submitting a redistricting referendum to the voters on the 1966 ballot.

A substantial transportation package was passed. It included removal of tolls from the Tacoma Narrows Bridge and the Longview Bridge, provision for one-hundred fifty new state troopers, and financing of four new ferry boats. Studies were also commissioned for a cross-sound bridge and a third Lake Washington bridge.



John L. O'Brien Building  
(left) and John A. Cherberg  
Building (right).

A proposal for a one cent gas tax went right down to the wire. Both bodies approved their own version but the proposal failed in the House on the last night of the session when agreement could not be reached on priority of construction projects.

The battle over the budget and taxes was primarily between the Governor and the Democrats in the legislature. A primary sticking point was over how to use a bookkeeping change that added forty-two million dollars in revenue. The Governor wanted to hold half in reserve against a possible deficit. He also held the position that seventy-two million dollars in additional revenue was required to balance the budget. The Democrats maintained that only forty million dollars in additional revenue was required.

A budget was finally passed with substantial bi-partisan support. The Senate responded by approving fifty million dollars in new taxes including a two-tenths of one percent increase in the sales tax and substantial increases in nuisance taxes. The Senate vote was 26-22 with thirteen Democrats and thirteen Republicans voting aye. The tax bill failed in the House 62-36. On reconsideration it passed 59-39 with thirty-three Democrats and twenty-six Republicans voting yes.

The Legislature finally adjourned on May 7, the one-hundred fourteenth day of the session, the longest since the first session in 1889-1890.

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## 1967

Redistricting of the state, which had consumed the first forty-seven days of the 1965 legislative session, produced a dramatic change in the makeup of the 1967 legislature. The Democrats maintained a decisive 29-20 majority in the Senate; in the House (however) the Republicans attained a majority for the first time since 1953. There were fifty-five Republicans and forty-four Democrats. The Republicans chose Don Eldridge from Mt. Vernon as Speaker and Slade Gorton from Seattle as majority leader. In the Senate Al Henry from White Salmon was elected President Pro-Tem and R. R. "Bob" Grieve from Seattle continued as majority leader.

Governor Evans presented an ambitious legislative program which was highlighted by a proposal to present an income tax to the voters. Discussion of this issue was a dominant topic during the entire session. Other key proposals were for consolidation of major state agencies in the area of social services and transportation, constitutional revision, annual sessions, a Court of Appeals, a new four year college system, creation of a Department of Community Affairs, liberalization of Sunday liquor laws and new open space preservation laws.

Under intense pressure from public employee groups the Senate passed a pay raise bill on the first day of the session. It was the first time in twenty years that either body had passed a significant piece of legislation on the first day. On a fast track, the salary matter was in the hands of a conference committee by the end of the first week and a compromise pay increase was agreed to within a few more days.

Since statehood members had operated from their desks on the floor. In 1967, for the first time, members had individual offices. The legislature had taken over the Public Health Building (now the "John L. O'Brien Building")

and the Public Lands Building (now the “John A. Cherberg Building”) behind the Capitol and developed office space there. Each Senator and senior House members had individual offices while freshmen House members shared office space.

The movement toward more open government had focused on the long standing practice of the secrecy of the proceedings of the rules committees. The House had taken steps to substantially do away with rules committee secrecy but the Senate was determined not to do so.

In 1965 Governor Evans had proposed a Constitutional Convention. This time he sought revision through adoption of a gateway amendment which would allow amendment of an entire article. Early in the session Attorney General John O’Connell strongly advocated a constitutional convention and the Governor agreed with him. Ultimately the House passed a gateway amendment but it languished in the Senate.

Sam Smith, a Seattle Democrat, was the only black member of the legislature. A ten-year veteran, he had tried every session to secure the passage of open housing legislation without success. This time he tried again. Late in the session it passed the House as part of a bill which also dealt with temporary licensing of real estate agents, a matter of great interest to Spokane area legislators. Supporters of both provisions had agreed to rise or fall together in seeking passage of the bill. It went to the Senate where the bill was passed after stripping out the provision regarding real estate licenses. Upon return to the House at the end of the session supporters of the real estate amendment, primarily Republicans, demanded a conference and claimed there was an agreement among all involved to support the entire bill. Representative Smith countered that the agreement applied only through final passage in the House. At this point, going to conference would have killed the bill as it was the last day of the regular session. On a motion to concur with the Senate amendment, ten Republicans joined forty Democrats and concurred on a 50-48 vote. The state’s first modest open housing law then went to the Governor who promptly signed it.

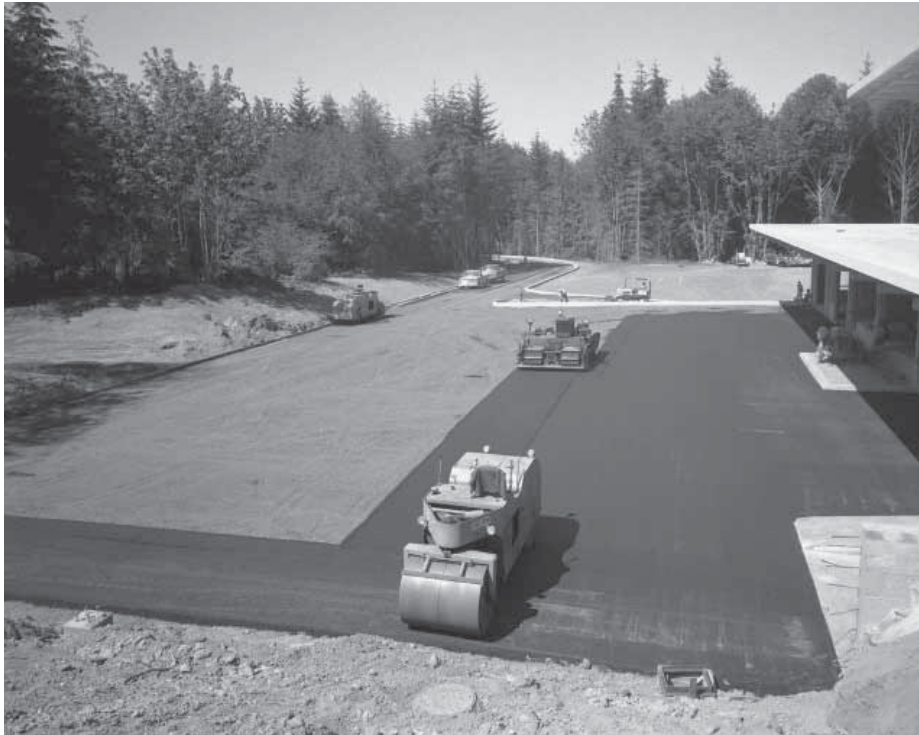
1967 was a year in which the budget originated in the House. The new Republican majority determined that they would handle the budget on the floor in an evening session acting as a committee of the whole; thus, they avoided a recorded vote on every amendment. The Democrats complained vociferously about this procedure, claiming it was totally undemocratic but without the votes they were unable to stop it. It was an interesting spectacle as interest groups kept watch in the galleries. The procedure took all night on Friday evening February 17 and the budget was adopted along party lines at about daybreak on Saturday morning. As usual this was only a first step as the budget was still a long ways from final passage. The budget now went to the Senate where the Democratic majority under Ways and Means Chairman Senator Martin Durkan of King County got its crack at it.

The nine-hour, all-night budget session in the House was tedious and tiring but it was not without its moments of levity. At about three in the morning one of the Democratic freshman, accompanied by a couple of his colleagues, appeared at the rear of the chamber fully made up and attired as a very buxom woman. He proceeded down the middle aisle to the front row where he promptly plopped himself down on the lap of one of the most senior and dignified Republican members. This antic was responded to in good humor by most members though a few found it in very bad taste. In any event it temporarily broke the tension of a tense and trying night.

The Senate was not happy with the new office arrangement with most of its members across the street in the Public Lands building. In fact they passed a resolution led by Senator Joel Pritchard of Seattle to take over the entire legislative building and remove the elected officials to other facilities. The Senate passed the resolution 44-2 but it never went beyond that point.

Higher Education received unusual attention during the 1967 session. There were proposals for total reorganization of the community college system and for creation of a new four year college. In the aftermath of World War II, community colleges (junior colleges as they were then known) had expanded and grown dramatically. Under the new system, which the legislature adopted, each college kept its own governing board but the state undertook a much greater degree of oversight and overall supervision.

The creation of the new four year college was one of the session's most notable actions. In the prior interim a high level committee had studied the need for a new college and concluded that it was appropriate. Further, they recommended that it be located in Thurston County. Senator Gordon Sandison of Port Angeles and Representative Marjorie Lynch of Yakima, the chairpersons of the Higher Education Committees in each House, accepted the recommendation and introduced bills to create the college in Thurston County. There was little opposition to creation of the college but a lot of dissatisfaction with the choice of location. Several areas felt they were more entitled to have the new college, chief among these were Snohomish and Clark Counties. The Snohomish County effort, led by Senator Bill Gissberg in the Senate and by Representative Charles Moon in the House, was by far the most well organized but it ultimately failed and large majorities chose the Thurston site for creation of Evergreen State College. At the end there was some debate about leaving the precise location of the campus site up to the Governor but that was resolved and development of the new college proceeded.



The Evergreen State College  
Construction, c. 1970.  
Susan Parish Collection,  
Washington State Archives.

The appropriate method of financing Washington State government services had been an almost constant issue since fiscal problems escalated in the period immediately after World War I. By 1967 most observers agreed that the system based upon sales tax, property tax and business and occupation tax was highly regressive. The voters had approved a graduated net income tax by initiative in 1932 but it was promptly ruled unconstitutional by the Supreme Court. Democrats, who controlled the legislature during almost the entire period subsequent to 1932 generally favored the income tax. They had placed income tax joint resolutions on the ballot on several occasions only to have the voters roundly turn the measure down each time they were presented. The Republican administration in 1967 presented a new income tax proposal. While it was basically a flat tax, it contained several provisions which tended to produce graduated effects. Ironically, the Democrats gave it little support. Republicans, in the House, many with great reluctance, supported the administration's proposal. The high point during the regular session was reached with sixty-two favorable votes, four short of the required two-thirds for a joint resolution. In the extraordinary session as many as sixty-five votes were lined up at one time but the crucial sixty-sixth vote was never found.

Meanwhile, it was increasingly apparent that a revenue shortfall was at hand and discussions of increases in the sales tax and the gas tax were being carried on in both houses. The Governor's revenue proposal included a local option sales tax. During the presentation of the revenue proposals to the House Committee, four minority members got up and walked out of the meeting.

When the session began in January the new Republican majority had been determined to complete the session in sixty days, however, by March it was apparent that it would take much longer particularly with the critical fiscal issues still to be resolved. Discussion of the need for annual sessions had recurred for a number of years. By 1967 most members conceded that it was only a matter of time until this occurred. Clearly, majorities in each body were ready to present the annual session issue to the voters. The details remained to be resolved and an acceptable joint resolution could not be agreed upon by two-thirds of each House.

Likewise, the proposals for either a constitutional convention or a gateway amendment could not be agreed upon by the requisite super majorities. Although bi-partisan support was widespread the necessary votes for an acceptable package were never mustered.

With respect to constitutional matters, the Senate, for only the second time since statehood, voted down a gubernatorial appointment. The first time had been during the Walgren administration. Then, a University of Washington regent was rejected. That rejection was tied to the post war communist scare at the University. This time the appointee was the designee as chairman of the Liquor Control Board. It appeared that personality conflicts were the primary reason for this rejection.

While fiscal matters and adoption of a budget dominated the legislative session as was customary, the 1967 legislature gave serious consideration to more than the usual number of significant issues. One of which did not result in legislation but laid the final ground work for legislation in the following biennium was the protective law applicable to the Washington wine industry. At the time Washington wines were of questionable quality but



they received substantial market preference. A strong lobby had protected this preference for years but this time its strength began to crumble.

Another liquor issue involved the area around the University of Washington. Since the repeal of prohibition retail sales of alcoholic beverages had not been allowed within one mile of the campus. The Edward Meany Hotel was only two blocks from the campus boundary and it had been unable to sell drinks in its restaurant. Though there remained a substantial dry element in the legislation the long standing limit was repealed and the one mile limit was no more.

For nearly half a century the clash between public and private power had been a major factor in all of Washington politics. The issue had remained fairly dormant since the major confrontation during the 1961 session. Still in conflict was whether a public vote should be required before a public utility could acquire the operating properties of an investor owned utility. This matter arose again late in the 1967 session but did not reach the point of serious confrontation. In an interesting departure from the historic animosity, serious consideration was given to the authorization of joint private-public projects.

For a generation proponents of dog racing had attempted to legalize that activity in the state. This time they tried again. They were not successful and it marked the last really serious effort to bring the dogs to Washington.

Court congestion had become an increasing problem, particularly at the appellate level. This resulted in a proposal for creation of a state court of appeals and after considerable debate both houses accepted a joint resolution for a constitutional amendment creating an intermediate appeals tribunal.

Other legislation which was enacted included creation of the Department of Community Affairs; the Traffic Safety Commission; the Oceanographic Commission; and the Boundary Review Boards. Clean water laws, authorization for Metro to include public transportation, and motorcycle safety laws were also passed.

For the first time in many years the judiciary committee reviewed the seldom used Grand Jury system in the state. This resulted in some modest modifications to the law.

Since the end of World War II there had been discussions and studies of the concept of a cross-sound bridge connecting the westside of Puget Sound with the Seattle area. A primary obstacle had always been, and remained, disagreement among westside interests as to where a bridge should be built. Studies continued but the interest in such a project was never again at the level reached during this session.

In addition to the Court of Appeals, several other constitutional amendments were presented to the voters including immediate implementation of elected officials' salary increases, property assessment based on current use and two year school levies.

One of the cornerstones of Governor Evans' legislation program had been consolidation of the various transportation related agencies into a single department. The House passed a bill 52-46 largely along party lines and primarily out of loyalty to the Governor as there was very little enthusiasm within the legislature. This was merely the first volley in a decade long effort which finally resulted in creation of a Department of Transportation.

The extraordinary session which commenced immediately after the regular session lasted for 52 days. It was consumed almost entirely by the controversy over budget and taxes and most members merely sat on the sidelines and watched as the various negotiators slugged it out.

The progress by the budget conference committee was very slow. It was further impeded by the position of one of the members. Senator Fred Dore, a Seattle Democrat, insisted upon implementation of a new and costly college scholarship program before he would support a budget. The situation became so filled with animosity the other members of the committee all requested his replacement on the conference committee. When this controversy was finally resolved, a budget was determined and each body accepted it.

At this point, everyone was anxious to go home. However, the budget was still out of balance and a tax increase was required. This was not easy to achieve. After serious negotiations, a package was agreed upon and it passed the House 52-41. It then went to the Senate where it failed on a 32-16 vote. After reconsideration and a lot of discussion in the wings a second vote ensued. The roll call ended 24-24 and a seventeen minute hiatus ensued. Finally, Senator Dore and Yakima Republican, Fred Redman changed their votes. Thus, the budget was adopted on a 26-22 vote.

It was the evening of the 112th day and the session had stretched into the month of May. The biennial 60 day session which the founding fathers had envisioned was clearly an outdated concept.

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## 1969

The 1968 election brought very little change in the makeup of the legislature. The Democrats lost two seats in the Senate. Their majority was 27-22. In the House, the Republicans gained one seat and their majority was 56-43. Don Eldridge was once again elected Speaker of the House and Al Henry remained as President Pro Tempore of the Senate with R. R. "Bob" Grieve once again majority leader. The minority House Democrats had an interesting "de facto" change in their structure. John L. O'Brien of Seattle had been their leader as Speaker or minority leader for more than a decade. This time he was again chosen minority leader, however, the caucus created a new position entitled organization leader. They selected Robert Charette of Grays Harbor County to fill this position and he was in practical effect the functional leader of the caucus.

Procedurally, the question of the secrecy of the Rules Committee remained an issue between the two houses. The House had opened the proceedings of their Rules Committee in 1967. The Senate remained closed. This time, the House Democrats sought recorded votes. The majority Republicans agreed but only if the Senate opened their proceedings. It is fair to say that a majority of the Senate regardless of party preferred the closed Rules Committee. A combination of pressure from the House and strong public reaction finally caused the Senate to retreat and by the end of January they had reluctantly agreed to open their proceedings. While times had clearly changed and open government was increasingly demanded by the public, there were still some old timers who felt that the process worked more effectively when the Rules Committees were closed.

Once again, Governor Evans announced he would seek tax reform and further reorganization and consolidation of government agencies. He also submitted to the legislature, during the third week of the session, a comprehensive package of human resources proposals. At the start of the 1969 session he advised that he had concluded that annual sessions had become

appropriate and that he would convene an extraordinary session in January of 1970, regardless of what was accomplished during the 1969 session.

A first order of business was legislative per diem which had been \$25 per day for sometime. After the usual debate and grandstanding by a few members it was agreed to raise per diem to \$40 per day. Another procedural issue which received attention was the status of conference committees. Until this time, they had to be unanimous in their recommendation before they could be presented for consideration to the full body. The unhappy stand off which had delayed the budget conference for days in 1967 caused a review of the entire process. It was finally agreed that a new rule be adopted requiring only 5 of 6 signatures to approve a conference committee report.

The proposal to repeal the preferential treatment of Washington wines which had been thoroughly debated, but not acted upon in 1967, received early attention in 1969. By early February, the House had overwhelmingly passed a bill and sent it the Senate. The Washington wine industry had more clout in the Senate and the bill moved very slowly there for several weeks, but it finally emerged during the special session and was passed. This significant change gave birth to the modern wine industry in this state. Washington wine has become among the leading agricultural products in the state.

Since the early territorial legislative sessions any kind of liquor legislation had always been very emotional and very sensitive. In the first century of the territory and statehood, alcohol was probably as volatile a social issue as abortion is today. In addition to enacting the wine legislation the 1969 legislature made other modifications in the liquor laws including allowing women to sit at bars and for bar patrons to stand up with a drink.

The question of constitutional revision which had been debated for many years arose again. The House passed a gateway amendment resolution 81-18. It would have allowed amendment of an entire article of the constitution in one amendment submitted to the electorate. As usual in the Senate the bill was assigned to the Constitutions and Election Committee where it languished and died as had all substantive proposals for constitutional change had for many years. The long-time Chairman, Senator John McCutcheon of Pierce County simply did not believe in major changes to the constitution.

A new issue surfaced in the Senate early in the session and caused sustained debate and a great deal of emotional turmoil. Senator Joel Pritchard of Seattle introduced legislation which would protect a woman's right to choose. The abortion debate was still in its early stages and the decision in *Roe v. Wade* still lay several years in the future. The proposal emerged from committee in the Senate fairly early in the session but then languished in the Rules Committee for several weeks. Women's groups showed particular interest in the issue and many were very active and vocal in support. On one occasion a large group marched on the Capitol. They were denied admission to the building by the Senate Sergeant at Arms, Charlie Johnson. Senator Pritchard took immediate issue with this and the Attorney General concluded that the Senate Sergeant-at-Arms could not prohibit admission to the Capitol Building but only to the Senate Chambers.

The abortion issue finally emerged from the Senate Rules Committee on an 8-7 vote. The debate continued throughout the session but no legislation was approved. Women's groups continued to press their legislators and were present in Olympia constantly. While their presence was noteworthy it was far less critical than the pressures felt in the Capitol as a result of student unrest and general discontent arising from the civil rights

movement and backlash from the Vietnam War. Numerous demonstrations occurred in Seattle, particularly at the University of Washington. On a couple of occasions armed civil rights activists appeared in Olympia. Once, while Governor Evans was out of state a dispute arose between him and Lt. Governor Cherberg over the actions taken by the Lt. Governor during one demonstration. All of these events resulted in an unprecedented level of security in the Capitol building during the long extraordinary session.

The regular 60 day session of 1969 produced very little significant legislation. Many observers could not remember a less productive session. There was some speculation that the lack of activity was influenced by the knowledge that there would be another session in 1970.

One sidelight which received a great deal of media attention centered upon a number of activities of members of the Legislative Transportation Committees. The most notable was a trip by two members to Europe to look at rapid transit systems. They billed the state for travel at the then effective ten cent per mile rate applicable for automobile travel. In the aftermath of this controversy travel compensation rules were modified.

Rapid transit legislation was adopted during the session, but only after the longest single member filibuster in memory in the Senate. Senator Sam Guess of Spokane, an engineer who was involved with the highway construction industry held forth for five hours before finally relenting.

Tax reform and consideration of an income tax were again a major topic of debate during the entire session. Numerous proposals were considered. A compromise was finally arrived at as the session ended and passed for consideration by the electorate.

A final effort to break the long standing road block to any kind of constitutional reform failed. In the last days a motion to relieve the Constitution and Elections Committee in the Senate of the gateway amendment failed on a 22-19 vote. One commentator defined this as another victory for the old boys' network.

As they had in 1967, the Republicans in the House determined to debate the budget in an evening session under the call of the House. This time the Democrats staged a temporary walkout but the budget was again adopted, the first time around in an all night session.

While short on positive accomplishment, lengthy discussion of many issues laid the groundwork for future legislation. Among subjects which received serious attention but no substantive action were creation of a Department of Transportation, Department of Ecology, authorization of another Lake Washington Bridge, revision of unemployment compensation laws, annual elections, and 18 year old vote.

The 1969 session was the longest since the open-ended Statehood Session of 1889-1890. It ended on the 120th day and then only because the Attorney General advised that the constitutional sixty day limit which governed regular session also applied to extraordinary session. In a subsequent challenge following the 1971 session the State Supreme Court ruled that extraordinary sessions were not constrained by the 60 day limit and were in fact open-ended. This development gave added impetus to the movement toward adopting annual sessions and placing a limit upon the length of special session.

Overall, the 1969 legislature was a disappointment. The members went home in mid May knowing they would be back in January of 1970 to try again.

Special sessions immediately following the regular biennial session had become customary in the period following World War II. Special sessions had also been called occasionally for specific purposes. When Governor Evans called the extraordinary session in January of 1970 it established a new precedent which led to the constitutional adoption of annual sessions a decade later.

It marked only the second time that a Governor had called an extraordinary session for general legislative purposes other than immediately after the regular session. The other occasion was the session called by Governor Roland Hartley in November of 1925. Ironically, the 1970 session, in contrast to that of 1969, proved to be one of the most productive in the history of the state.

The decision to have a 1970 session, when announced in January of 1969 was not popular with many members. The grumbling continued as the 1970 session began. A number of veteran legislators had indicated they would no longer be able to run as the time demands continued to increase. The Senate Democrats announced as the session started that they intended to be finished and go home in 21 days. As had happened so often in the past an announced intention to finish within a specific time limitation just didn't come to pass.

With the continued rapid growth of the state it was becoming increasingly apparent that there was a need for some modifications of established practices. Annual elections had been on the agenda for more than a decade. The need for annual sessions was becoming more and more apparent in each succeeding session and had been approved in the House on several occasions. Respected officials in both parties recommended a constitutional convention or at least adoption of a gateway amendment. The roadblock remained the Senate Constitution and Elections committee where its chairman Senator John McCutcheon of Pierce County simply "deep-sixed" any measure involving substantial constitutional change.

The issue of a woman's right to choose on abortion had been among the most emotional issues of the 1969 session. At the end no action was taken but the issue remained in the forefront. The first day of the 1970 session was highlighted by a march on Olympia by interested women's groups and the debate continued at a high level. The primary conflict was in the Senate as it had been the previous year. After a tortuous course through the Judiciary Committee and then through the Rules Committee a bill with a referendum attached finally reached the Senate floor where it passed by one vote 25-23. The House was much more responsive and it sent the issue to the ballot by a 62-34 vote.

The other major matter referred to the voters during the short session was lowering the voting age. Debated at length, the movement to reduce the voting age to 18 was finally compromised with a referendum to the people reducing the age to 19. This was rendered moot later by the amendment to the federal constitution reducing the voting age to 18.

After his election as Attorney General in 1968, Slade Gorton had attacked the tolerance policy which had permitted certain types of gambling in various areas of the state, particularly in King County. As a result he presented legislation aimed at closing down pull tabs and punch boards. Those with a more liberal attitude toward gambling introduced their own more per-

missive proposal. Neither effort was successful but the groundwork was laid for very substantial changes in our gambling laws. Within a few years the lottery prohibition in the constitution was repealed, a state lottery was adopted and gambling laws generally were substantially liberalized. Not previously mentioned is an incident which took place in the interim following the 1963 session. A bill expanding gambling passed during that session. A successful referendum campaign ensued. Before the petitions could be checked they were mysteriously stolen from the office of Secretary of State Vic Meyers. Court challenges ensued and a divided Supreme Court finally concluded that the referendum could be certified to the ballot.

With the demise of the old hotels in downtown Olympia, the Tyee Motor Hotel in Tumwater had become the social center of the Capitol and the residence of many legislators during the legislative sessions. A major late night fire at the hotel during the session disrupted the social activities and was the cause of some embarrassment to certain legislators and lobbyists.

The 1970 session lasted for 32 days and adjourned with a list of accomplishments often not matched in much longer prior sessions. In the area of government reorganization the Departments of Ecology, and Social and Health Services were created. For more than a decade, efforts to reform the unemployment compensations laws had not been achieved. This time that was finally accomplished. In the environmental field, in addition to the creation of the Department of Ecology, several other significant pieces of legislation were enacted. This included an oil spill bill, an open space law and creation of the power plant siting legislation. A seacoast management bill, however, was not passed.

The budget encountered its usual controversy and the situation was complicated by large layoffs at the Boeing Company. When it reached the House it failed on the first try but was passed on reconsideration. Action on taxation was significant. For the first time legislation was enacted giving local government the power to impose a ½ cent sales tax.

Finally, new revenue was required to balance the budget. The matter was resolved by increasing the sales tax by one-half cent and by extending the business and occupation tax to banks, exempting only income from residential mortgages.

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## 1971

In the mid-term election of 1970 the Democrats gained two seats in the Senate to increase their majority to 29-20. In the House they gained five seats decreasing the Republican majority to 51-48. Also on the 1970 ballot, tax reform, including an income tax was overwhelmingly defeated. The 19 year old vote measure was also defeated by a very slim margin. The referendum affirming a woman's right of choice with regard to abortion was passed by the voters.

The economic outlook as the session convened was rather dim. The Boeing Company was in the course of heavy layoffs and the revenue projections were extremely pessimistic. In the House, with the Republican majority reduced to a bare minimum, they chose Tom Swayze of Pierce County as Speaker. It was reported that he prevailed in the Republican Caucus by only one vote. With their reduced majority the Republicans established each committee with a Republican majority of two. The Democrats took

great offense at this claiming they should have only one fewer on committees rather than two fewer as proposed by the majority. The situation was complicated on the first day as only 48 Republicans were present. One member was ill, George Clarke of King County had been appointed to the Senate and Dick Chapin of King County had resigned. While there was some talk of a coalition nothing came of it and the Republican vacancies were quickly filled.

In January of 1971, as he had in 1969, Governor Evans once again announced that he would call an extraordinary session in the second January of the biennium. While there was not as much grumbling as there had been two years earlier it did tend to set the tone for the session. There was developing a reluctant acceptance that the business of the state had grown so much that annual meetings of the legislature were inevitable.

Following the 1970 census it once again fell upon the legislature to redistrict the state. Senator Grieve was again the Democrats' primary negotiator. Slade Gorton who had been the Republicans' major negotiator in 1965 had moved on to become Attorney General but he was still a major advisor to the two Republican Caucuses. Senator Grieve indignantly alleged that the Attorney General was using in-house facilities including computer data to assist in the redistricting. Gorton denied the charge immediately as it was not true and redistricting remained a volatile issue throughout the session.

Because of the recession, unemployment levels were up substantially and there was emergency legislation enacted during the first week providing for extended benefits. This was the only significant legislation to receive early approval. The economic conditions were also reflected by a march on Olympia by over 1,000 welfare recipients seeking additional benefits.

Once again it appeared that there was going to be a revenue shortfall and Governor Evans, as part of his legislative program, recommended an increase in tobacco and liquor taxes. The knowledge that there would again be a special session in the following year, seemed to defer any sense of urgency about quickly addressing the major issues during the regular session.

The budget initiated in the House during this biennium and the slim Republican majority had a very difficult time in getting a budget put together which could muster the 50 votes necessary for passage. Their first problem arose in the appropriations committee where the budget was passed on a straight party line vote (20-18) after one Republican member was replaced and another claimed he was strong armed into voting for the budget. When it reached the floor it was voted down 32-67. After a great deal of cajoling a House budget was finally passed on a straight party line vote 50-48 in order to get it to the Senate within the 60 days of the regular session. It was the first time in many years that a budget was passed with no bi-partisan support. At this point it was obvious that a long special session was in store.

Gambling had become a lively issue after proposed legislation had failed in the previous session. Once again there were conflicting bills introduced. The more conservative bills were backed by Republican Attorney General Slade Gorton who clashed publicly with Democrat Representatives Mark Litchman and John Bagnariol and Senator Gordon Walgren over the content of any gambling legislation. The temper of the Senate was clearly indicated by a 30-9 vote to approve a joint resolution to repeal the lottery prohibition in the Constitution. A joint resolution to do so was ultimately passed by the legislature and presented to the voters.

Implementing legislation was far more difficult. Governor Evans had announced he would veto legislation that allowed anything beyond bingo and raffles and he proved good to his word after proponents of legalizing punch boards and pull tabs were successful in passing their proposed bill. One proviso which was implemented, however, required sixty percent approval in each House for further liberalization of the gambling laws.

Governor Evans continued his push for government reorganization. This time he added to his prior proposals one to create a super agency encompassing all natural resource activities. This proposal received a very cool reception from the legislature and from the existing Department of Public Lands director Bert Coles, who was a Democrat. Meanwhile, the proposed creation of a Department of Transportation again bogged down. There was majority support for creation of such a department. The stumbling block was, as it had been since originally proposed in 1967, the method by choosing the director. The Governor insisted that he be allowed to make that choice. The Democratic controlled Senate balked at that, demanding that the Transportation Commission, which would be established to oversee the new department, have that power. This standoff prevented passage of a bill and continued for several more years.

The regular session was not very productive. Only 82 bills were passed. The two unemployment compensation measures were the only ones of significance. Once again, the House passed an annual sessions resolution only to have it languish in the Senate committee, as usual.

Democrats for open government were becoming more and more common and the Senate passed a bill requiring open meetings of all government bodies but excluded the legislature. A bipartisan group of ten freshmen House members took exception to this and threatened an initiative if comprehensive open government legislation was not enacted. They were not successful but an initiative campaign did follow. It became Initiative 276 and was overwhelmingly passed by the voters in 1972.

Periodically, ever since statehood, there had arisen a hue and cry claiming rent gouging by the local community at the outset of the legislative session. The issue had been dormant for a number of years but in the aftermath of the fire at the Tyee the previous year many found that rentals were increased as much as fifty percent. There was a certain amount of supply and demand present in this equation as it seemed more and more people, especially lobbyists, descended upon Olympia in each succeeding session.

Congress enacted the 18 year old vote amendment to the U. S. Constitution during the session and the legislature promptly launched an effort to be the first state to ratify. The effort failed as the ratification bill got hung up between the Senate and the House and a couple of other states jumped in ahead of us.

The uncertainties of the revenue picture brought renewed consideration of tax reform. In spite of the overwhelming defeat at the polls, an income tax proposal was again considered. There was also some interest in a tax on intangibles. At the same time a joint resolution was adopted which limited basic real estate taxes to one percent of value.

In the Senate there was an emotional and very political debate on the subject of school busing. It passed the Senate amid tremendous criticism from the civil rights community and from much of the press only to expire in the House committee. There was a lot of speculation that some senators voted for the bill knowing that it would die in the House.



A minor brouhaha arose in the Senate when two old line Senators, Al Henry, a Democrat from Klickitat County and Perry Woodall, a Republican from Yakima County, took the floor to accuse Attorney General Slade Gorton and PI reporter Shelby Scates of improper conduct in belonging to an investment club together. In an unrecorded vote the Senate agreed with Woodall and Henry but the matter quickly just disappeared.

The House considered a proposal to have the Governor and Lieutenant Governor run together as a team and narrowly approved the idea on a 50-47 vote. However it never progressed any further. The House also commissioned an in depth study of no-fault automobile insurance. There was an unusual amount of support there for that concept but it never progressed beyond the study.

The legislature was not able to affirm the shoreline management initiative which had been presented to it. In an unprecedented procedure they adopted an alternative measure so both would appear on the 1972 ballot.

In other actions an appropriation of seven million five hundred thousand dollars was approved in support of the Spokane World's Fair scheduled to take place in 1974. The business community campaigned very actively for passage of a three way workers' compensation system which would allow for private coverage. The labor community lobbied strongly against the concept and they were successful. However, an amendment to the existing law was passed which allowed larger employers to self-insure.

Negotiations over redistricting continued throughout the session without much success. Toward the end, Senator Grieve tried to tie it to the budget but was not able to do so and redistricting was not accomplished. Progress on the budget was extremely slow. There was some criticism of the makeup of the conference committee. There were allegations that Representative "Buster" Brouillet of Pierce County was far too closely associated with education. Early in the process, Senator Dore suggested a budget which reduced all salaries over \$15,000 by ten percent. On a 27-22 vote, on straight party lines, that provision remained in the Senate budget. It did not remain in the final product.

At the end of the session modest tax increases were approved. The budget and several other significant measures were finally passed after midnight and before a 2:35 a.m. adjournment on the "60th day" of the special sessions. This was done in spite of the 1969 opinion of the Attorney General that special sessions were constitutionally limited to 60 days. In a subsequent challenge, the Supreme Court decisively held that the 60 day limit did not apply to extraordinary sessions. This ruling gave new impetus to adopt some changes to the traditional biennial 60 day session. It still took several years to establish annual sessions.

In terms of accomplishment, the 1971 session had only a modest record. There was substantial media criticism of the productivity of the session. Once again there was speculation that knowledge of an upcoming 1972 special session had an impact.

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## 1972

In January of 1972, for the second time in state history, the Governor called an even year extraordinary session. The first such session, two years earlier in 1970 had been brief but quite successful. It was particularly productive in adopting environmental laws. With this background, hopes were very high for 1972.

It was not to be. The primary goals for 1972 were a supplemental budget, economic recovery measures and court-ordered redistricting. The Federal District Court in Seattle had ordered the legislature to redistrict by February 25, or the court would take over. Upon convening, the legislature agreed to limit the session to 40 days and redistrict within 14 days. As was historically typical, neither goal was achieved.

In the Senate, the majority leader, R. R. "Bob" Grieve from West Seattle was the primary architect. While concerned with keeping a Democratic majority, Grieve had always been motivated by protecting certain incumbents who were beholden to him. Looking back at 1965 when the legislature was ordered to do nothing else until they redistricted, many observers including a lot of Democrats, accused Grieve of sacrificing Democratic control of the House in order to protect his favored Democrat Senators.

In the House, the Republican majority placed redistricting in the hands of a small group led by Sid Morrison from Zillah. Attorney General Slade Gorton, who had led Republican redistricting efforts in 1965, was an active advisor to the House Republicans in 1972.

A potential complication arose very early when Congressman Brock Adams petitioned the District Court to mandate that the legislature take no other action until redistricting was accomplished. The court refused this request.

The two week deadline for getting the job done came and went with no perceptible progress. Republicans claimed that the Democrats' proposal would assure their control of the legislature for the ensuing decade. On the other hand the Democrats maintained the Republican proposal guaranteed control of the House. The stalemate continued throughout the session. In the end, two serious areas of contention remained. One was North King County and South Snohomish County; the other was Spokane County. Toward the end of the session, August Mardesich from Snohomish County, one of the leaders in the Senate, tried to broker a compromise but could not muster the necessary votes.

As had been typical ever since Statehood, the legislature once again failed to redistrict itself. The Federal District Court assumed the responsibility and appointed a professional geographer to do the job on a non-partisan and objective basis.

The impasse on redistricting cast a shadow over most other issues which confronted the legislature. There were numerous matters where solutions were proposed tied to concessions on redistricting. None succeeded. Toward the end of the session, House Republicans held the supplemental budget hostage in hopes of getting a bill but they finally gave up in frustration.

Pressure had been building for several years to adopt reforms in the legislative process. Particular emphasis was an effort to open meetings. The prime targets were the Rules Committee meetings. Historically, the Rules Committees met behind closed doors and decided which bills proceeded to the floor by secret ballot. Also, the standing committees had held executive

sessions in secret. The House had moved a long way toward more openness over a period of several years. The Senate, being more traditional was very slow to accommodate change. The adoption of joint rules for the session got hung up on the open meetings issue. It was finally resolved before session's end with substantial movement in the direction of opening up the process.

In the same general area there was an intense effort toward requiring lobbyist registration and reporting and also to mandate reporting of campaign contributions. A bill on each subject was ultimately passed. The lobbyist registration bill caused little comment. On the other hand, many critics claimed the contribution reporting measure was merely window dressing. That bill had languished for a long time in the Senate Committee of Senator John Cooney from Spokane. Its severest critic was Senator Perry Woodall from Toppenish. The version which finally passed was watered down from the House-passed bill. As a result of this, the campaign for Initiative 276 was mounted and passed by a large margin. It addressed the entire subject of open government and campaign spending reform. Both of the legislative measures had a referendum attached. Both passed, but by far smaller margins than Initiative 276 which passed almost 3 to 1.

The recession of 1970-1971 was probably the most serious since World War II. Governor Evans presented to the 1972 session an economic recovery package which he called "Jobs Now." It included a series of bond issues and a sales tax on gasoline. The sales tax never got off the ground. The bond issues, after much debate, were placed on the November ballot. These, together with the Equal Rights Amendment, Initiative 276 and other measures created the longest ballot in state history.

For several years, the legislature had considered proposals to reform the state revenue system. Adoption of an income tax was a basis of most of these proposals. By the end of the 1972 session, each house had passed an income tax measure to be submitted to the voters. At the end the two houses could not reconcile their differences and no bill passed. One may speculate as to whether opponents actually planned it this way.

To some observers, the 1972 session was more notable for what it did not do than for what it did do. For the fifth time the proposed creation of a Department of Transportation failed. Recurring issues which also were not successful included three-way industrial insurance, no-fault automobile insurance and drastic cuts in the budget for The Evergreen State College.

While the proposed supplemental budget was not large in relation to the total biennial budget, it was the subject of substantial controversy. It was complicated by the fact that Governor Evans and Senator Martin Durkan, Chairman of the Senate Ways and Means Committee were both potential candidates for Governor. At one point the Governor said they should just pass a budget and go home.

The differences between the parties were not great. As mentioned earlier, at one stage the House Republicans held the budget hostage in hopes of achieving a redistricting measure. Once the redistricting deadline passed, the budget differences were quickly resolved and the session was concluded. Perhaps the most notable feature of the session was the large number of matters referred to the voters for the November election. After much controversy and intense lobbying by women's groups, the Equal Rights Amendment was among the measures referred to the voters.

There were a number of legislative reform measures which had been debated for several sessions. One of the most notable of these was the pro-

posal for annual sessions. 1972 was the second time the Governor had convened an extraordinary session in January of an even-numbered year. As the state continued to grow, it was becoming more evident that convening for sixty days every other year did not provide nearly enough time to adequately conduct the State's business. This was complicated by a decision of the State Supreme Court which held that special sessions were not subject to the constitutional limit of 60 days which pertained to regular sessions.

While the 1972 session is not very noteworthy for its accomplishments it may be argued that it was the starting point for many of the many of the changes which have occurred in the legislature since that time.

The epilogue to the 1972 session was the fate of the large number of issues referred to the voters. In addition to the passage of Initiative 276 (open government and campaign financing reform) they approved the Equal Rights Amendment by a tiny margin (50.1% vs. 49.9%). Five of six bond issues that were part of the Governor's economic recovery package passed. The only failure was the proposal for financing public transportation.

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## 1973

Court ordered redistricting, devised by a University of Washington professor, was put into effect before the 1972 election. In order to more readily accommodate the "one-man, one-vote" rule established by the United States Supreme Court the membership of the House of Representatives was reduced from 99 to 98 members. In the Senate the 1973 session convened with 30 Democrats and 19 Republicans. In a bitter fight, Senator August Mardesich of Snohomish County unseated long time Democrat majority leader R. R. "Bob" Grieve of Seattle. The aftermath of this contest affected the entire ensuing session.

For the first time since 1965 the Democrats regained control of the House with a comfortable 58-41 majority. The minority Republicans were stung by an action of the new majority during organization. For several sessions it had been customary for the assistant Chief Clerk to be a choice of the minority party. The Democrats changed this amid anguished cries from the Republicans. Leonard Sawyer of Pierce County was elected speaker and Robert Charette of Grays Harbor County was chosen as Majority leader. Representative Robert Perry of Seattle, who had been a member of the 1963 coalition, had a material part in the development of the program of the new Democrat leadership. They conceived a modernized process for conducting legislative sessions. To many it seemed revolutionary but in reality it merely represented a recognition of change which had developed over a period of many years.

The Constitution of 1889 established a biennial legislative session of 60 days duration with provision for the Governor to convene an extraordinary session when deemed necessary. During the territorial experience of 35 years there had often not been enough business to occupy the legislature for 60 days.

In early years of Statehood a 60 day session was adequate. As the years passed when business was not completed by the end of the 60th day the practice of stopping the clock became common. At first the clock was stopped for a few hours. By the 1930's the clock was being stopped for nearly two weeks. Finally, the court put a stop to this practice. When leg-

islative business was not completed the Governor called a special session. These special sessions tended to increase in length almost every biennium. The Attorney General determined that pursuant to the Constitution a special session ended after 60 days. Finally, where significant legislation was passed after the end of the 60 day special session there was a court challenge and the State Supreme Court held that a special session was open-ended. In this same time frame, as the State's business became more complex, the Governor called an even year special session in 1970.

With this background, in a fast growing state and with now open ended extraordinary sessions, the new Democratic majority in the House proposed a plan for continuing sessions to meet periodically throughout the biennium. This became the overriding issue which dominated the 1973 session. The House Democrats were committed to the concept as were the Democratic leaders in the Senate. Republicans in both houses were generally opposed. The issue was complicated by the opposition of Senator Grieve the deposed Democratic leader in the Senate. He had five allies in the Democratic Caucus. Together with the 19 Republicans, they were able to totally stymie any effort to place new rules in effect. Whether Senator Grieve actually opposed reform or whether he was just mad at being deposed is a bit difficult to determine. In any event the continuing session proposal was debated throughout the session and was finally resolved in the last days on a compromised basis.

For many years there had been an effort to authorize annual elections (the State Constitution only required bi-annual elections). The House regularly passed such bills with huge majorities. The proposals then died in the Senate Constitution and Elections Committee because the Chairman, Senator John McCutcheon of Pierce County, didn't like them. He was now gone. In addition, the 1972 ballot had been long and complicated. With a new Chairman and with the 1972 ballot still fresh in everyone's mind the Senate quickly passed an annual elections bill. The House was in agreement and it was the first significant legislation of the 1973 session. The votes were 44-2 in the Senate and 91-2 in the House.

Of the many ballot issues in 1972, Initiative 276 was by far the most significant and controversial. While passed overwhelmingly by the voters, the political community was slow to accept the new requirements for open meetings, full disclosure and lobbyist reporting. Several lawsuits, including one by a group of lobbyists challenged the initiative. It was ultimately upheld, virtually intact. Meanwhile, the legislature was reluctant to adequately fund the newly formed Public Disclosure Commission, a trend which has tended to continue throughout the ensuing years. Governor Evans appointed former Senator Francis Holman of King County as one of the first commissioners. As the first Chairman he fought throughout the session to get the new commission off to a sound start and to obtain adequate funding. At best he had mixed success. Parts of the initiative have remained controversial throughout the ensuing years and the legislature has been reluctant to provide adequate funding for proper enforcement of the law.

The change in leadership in the Senate Democratic Caucus resulted in bitter recriminations. Allegations of misconduct were leveled at Senator Mardesich regarding garbage industry legislation. George Martonik, a former aid to Senator Grieve, sued Senator Durkan, the Chairman of the Ways and Means Committee over issues arising from the same controversy. Overall there was created an atmosphere of animosity and mistrust within

the Senate which lasted throughout the session. It may be argued that this situation gave to the minority more influence than they would have enjoyed in a normal session.

The issue of tax reform and imposition of an income tax had been considered to some extent in every session for forty years. Despite several decisive defeats at the ballot box, the matter surfaced again and was in play throughout the session. The regressive nature of the state tax system and the difficulty of maintaining an adequate stream of revenue during periods of economic recession kept the income tax issue in contention.

The installation of an electronic vote recording device in the Speaker's office caused another early session controversy. It permitted the Speaker to vote from his office and Speaker Sawyer did so. The Republicans complained loudly but to no avail, and the Speaker continued to do so. It has over the years become an accepted practice.

By 1973 it had become a virtual certainty that a special session would be necessary to complete the legislative business. As a result, not a great deal of significance was accomplished in the first sixty days. A notable exception was passage of the annual elections bill.

Like the movement for annual elections, the issue of annual sessions, which required a constitutional amendment, had been debated for years. On more than one occasion a joint resolution had passed the House only to die quietly in the Senate Constitutions and Elections Committee where Senator John McCutcheon strongly opposed both annual elections and annual sessions. He was now gone and the Senate reacted by overwhelmingly passing a resolution to place annual sessions on the ballot. This time the House did not act.

A movement to restore the death penalty had substantial support and was debated at length but in the end was not successful. What had started as an effort to lower the legal drinking age to 18 was compromised and both houses passed a bill reducing the age to 19. A referendum campaign was subsequently mounted. It gathered sufficient support and the voters turned down the lowered drinking age.

During the session, each House ratified the Equal Rights Amendment to the U. S. Constitution. It was not, however, without its traumatic moments. Just before the vote was scheduled in the Senate, a joint session was convened to honor a recently released American prisoner of the Vietnam War. Most of the spectators were women in Olympia to support passage of the E. R. A. When the members and the audience in the galleries were gavelled to rise, two young women in the House gallery remained seated. The rude conduct of the two young women so enraged many of the legislators on the floor that the fate of the E. R. A. was temporarily cast in doubt. The supporters were able to calm the unhappiness and the Senate approved the amendment after several members had arisen on the floor of the Senate to denounce the conduct of the two young women.

The budget which Governor Evans presented to the legislature was not greeted with enthusiasm by either party. While the Republicans grumbled, Senator Durkan, Chairman of the Senate Ways and Means Committee responded by advising that rather than move an entire budget in one bill his committee would adopt a budget in sections. While not popular with the Governor or the Republicans in either House, Durkan's committee passed a social service budget in mid-February. The remainder of the budget was not moved until the sixtieth day of the regular session.

The entire budget and the major issues remained to be resolved in the special session. There were two no-fault matters to be considered. No fault divorce was highly controversial but ultimately passed both Houses and was signed by the Governor. Its passage in the Senate came on reconsideration after being defeated on its first vote.

No-fault automobile insurance, on the other hand failed. While accepted in the Senate it bogged down in the House.

The Senate voted overwhelmingly to reimpose the death penalty but the House failed to act. After many years of effort a modest landlord tenant law was finally passed as was a bill increasing the amounts subject to the small loan laws.

Much of the legislation enacted and considered in 1973 gives substantial credence to the fact that new legislation is often passed only after many years of consideration. Annual elections and landlord tenant law reform are perfect examples. Both issues had been under consideration for years.

The Extraordinary Session opened with the budget and continuing sessions as the major unresolved issues. Tax reform soon reared its ugly head to join them. As always, the matter of taxes was not a popular one. However, having just weathered a sustained period of economic downturn, most legislators recognized the regressive nature of Washington's revenue system and its lack of elasticity in periods of recession. Despite the overwhelming recent defeat of an income tax on the ballot, two thirds of each body finally decided to submit an income tax proposal to the voters again.

Lesser bills which were passed during the special session included separation of the Department of Corrections from the DSHS, crime victims' compensation, a modified gambling measure and creation of a Hospital Commission.

The Senate considered and passed an anti-busing bill. It was criticized for this action by much of the press and was accused of racial bias by many civil rights activists. It was not seriously considered in the House.

Once again the proposal for a Department of Transportation failed (for the 6th time), as did a new effort for creation of a Department of Consumer Affairs. With respect to the Department of Transportation the stumbling block was still the authority to appoint the Director.

It took until mid-April to adopt a budget. It was finally accomplished with no new taxes. Also, a compromise was reached on Speaker Sawyer's proposal for continuing sessions. Governor Evans had already expressed his intention to convene a session in January of 1974. The compromise called for a short special session in September and a series of weekend committee meetings to be held in Olympia commencing in May.

An ill-fated measure to increase salaries arose in the final days and a bill passed giving elected officials large raises and tripling the legislative compensation. This was met by public outrage and an initiative campaign which obtained the most signatures ever gathered in the shortest period of time. It only took three weeks. The initiative passed in November overwhelmingly (80% plus) and salaries were limited to a 5.5% increase over 1965 salary levels.

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## 1974

For the third successive biennium an extraordinary session was convened in an even numbered year. The Democrats had gained one seat in the Senate with the election of Peter von Reichbauer from King County.

At the first ever odd year general election in 1973 the voters overwhelmingly rejected the large salary increase which had been granted to elected officials at the end of the 1973 session. Also turned down by a huge majority was the proposed constitutional amendment authorizing an income tax. This was the sixth defeat for an income tax proposal over a period of forty years and pretty much pushed the issue off of the political agenda for the ensuing generation.

The Republican leader in the House, Tom Swayze from Pierce County, had resigned citing public disclosure requirements. A contest ensued between Irv Newhouse from Yakima County and A. J. Pardini from Spokane. Newhouse, the more conservative of the two, but certainly a moderate by today's standards emerged the winner in a very close contest. All was not peaceful in the House Democratic caucus either. A small group of the more liberal members grew increasingly unhappy with the Speaker. They mounted an unsuccessful effort to unseat him. It ended when they approached Joe Haussler, a respected conservative senior member from Okanogan County to be a candidate to replace Sawyer. He turned them down. Their effort then quickly fizzled.

Speaker Sawyer announced his intention to have a split session with a recess after 30 days to be followed by a short meeting in April. This was met with substantial opposition and foot dragging but the Speaker ultimately prevailed.

The Democratic budget leaders in the House, John Bagnariol and Bud Shinpoch, both from Renton, unveiled plans for substantial tax reductions. They supported elimination of the sales tax on prescription drugs and food and the phasing out of the business inventory tax. They were ultimately successful in eliminating the drug tax and starting the phase out of the inventory tax.

The first thirty days produced few results. A recess was then called until April 15. This was the longest recess ever. Governor Evans decried the 30 day session as totally unproductive. Upon reconvening in April for 10 days, there were a few accomplishments. More notable however, were matters which fell by the wayside. Some expired only after lengthy debate and in-depth consideration. Both houses handily passed resolutions for annual sessions but were unable to resolve their differences and the issue was not resolved for another four years. Among other failures were, once again, the Department of Transportation, salary increases, teacher negotiating and a state labor relations bill.

For the first time, the idea of a salary commission was raised in the Senate. It made little headway and it was another decade before a commission was created by a constitutional amendment. In passing, it should be noted that throughout our history many solid concepts and ideas have floated around the legislature for years before being enacted into laws which have proved to be clearly in the public interest.

The split session in 1974, thirty days in January and February and ten days in April was probably the least congenial in many years. In the House, in addition to the abortive effort to unseat the Speaker, there were



a number of interpersonal squabbles which surfaced. Conservative House Republicans were not happy with their Governor. In the Senate there was a tiff between freshman Senator Peter von Reichbauer, a Democrat from South King County, and Majority Leader August Mardesich over funding for the Public Disclosure Commission. Also Senate Democrats were highly critical of their Republican counterparts for their lack of cooperation in achieving an acceptable budget.

Truly dramatic roll call votes do not happen often in either House. The one which elected Bill Day, Speaker, in 1963 was probably the most memorable. In the fairly short 1974 session there were three, all in the House. The first occurred on final passage of the Senate Joint Resolution to limit the item veto. It was an extraordinarily long vote. For many minutes the electronic voting machine showed only 65 affirmative votes with 66 required. The Democratic leaders cajoled Representative John Eng, a first year member from Seattle to change his no vote. After a substantial period of time he did so. Representative Gary Nelson a Republican from Snohomish County promptly switched his vote to "no" and the "yes" vote was again only 65. Attention then turned to Representative Jeff Douthwaite, another first term member from Seattle. He was convinced to switch and the Resolution passed 66-31.

Later, when labor relations legislation came up for a vote on the floor, Representative Axel Julin, a Republican from King County, protested the procedure being followed and refused to vote. Speaker Pro Tempore John L. O'Brien was presiding. After considerable turmoil he had Julin removed from the floor by the Sergeant at Arms.

Finally, on the last day, the budget came up for a vote. On the roll call there were only 49 yes votes. The vote remained open for over two hours as they awaited the arrival of Representative Paul Conner of Clallam County. When he arrived his vote was challenged as he had not been present at the end of the roll call. There ensued a further period of cajoling and arm twisting until Representative Dick King from Everett was convinced to change his vote and the budget passed with 50 votes.

In both Houses there were an unprecedented number of overrides of gubernatorial vetoes. Most were related to gambling issues including the legalization of card rooms. Recognizing the Governor's opposition to gambling, a referendum was submitted to the voters on creation of a state lottery.

The sales tax on prescription drugs was eliminated and provision was made for phasing out the business inventory tax. At the same time, after session-long debate, the timber tax was revised with a rate fixed at 6.5%.

While there was not a great deal of satisfaction with the split session the concept of a continuing permanent legislative process with committee "weekend" meetings was now firmly established. It is interesting to note how, over the ensuing years, those weekends have evolved to midweek.

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## 1975

The Democrats came to the 1975 session with a large majority in each body of the legislature. There were 62 Democrats in the House and 30 in the Senate while the Republicans numbered only 36 and 19. However, serious problems confronted the majority. Senator Mardesich, the majority leader had just been indicted by a Federal grand jury in Seattle. This cast an immediate cloud upon his leadership.

In the House, a small group of insurgents plotted unsuccessfully to unseat Leonard Sawyer as Speaker. As a result, Representative Al Williams of Seattle lost his committee chairmanship, but the dissatisfaction with Sawyer's leadership did not go away. At the same time in the Senate, Senator Gary Grant from King County was replaced as Chairman of the Constitutions and Elections Committee. This did nothing to ease the dissatisfaction with leadership in the Senate.

Governor Evans proposed a rather ambitious program to the legislature amid speculation as to whether he would seek a fourth term. He called for a constitutional convention, abolition of the Office of Secretary of State, and creation of an information services department. He also sought comprehensive legislation on health care, land use, water and energy. In addition he proposed tax increases to meet the critical issues of school finance.

In the aftermath of a Supreme Court decision which held that extraordinary sessions were not limited to 60 days in length a continuing session concept had been instituted during the prior biennium. The new Democratic majority in the House had pushed this plan. It was not particularly popular in the Senate, or with House Republicans. However, it remained in place at the start of the new biennium.

For several sessions there had been considerable discussion of seeking a constitutional amendment to provide for annual sessions. This time Governor Evans recommended such sessions and the Senate gave serious consideration to the issue though it was not successful.

There was an unusual level of unrest among public employees and within the education community. The public employees union threatened strike action and in fact did take a strike vote which fell just short of the two-thirds vote required. Almost the only significant bill passed during the 60 day regular session was a supplemental budget which provided an 11.4% salary increase. This at least temporarily put the high level of employee unrest on hold.

Energy shortages which had arisen during the prior biennium continued. Various proposals were considered but little was actually done. The Governor sought additional executive authority but the Democrat-controlled legislature was reluctant to grant such powers. A proposal to create a nine-member energy allocation commission failed. The Energy Facilities Site Evaluation Commission was created to review and approve large power plants proposals.

During the regular session the Senate did pass bills reinstating the death penalty and increasing the gas tax, while the House, as it had done on several prior occasions, passed a bill creating a Department of Transportation by a 71-24 vote. Most issues considered during the regular session remained to be resolved during the extraordinary session. Among the most controversial was an effort by regulated utilities to enact several substantial changes to the public utilities code. Contested throughout the session,

the House finally passed the bill 54-44. In the Senate it was assigned to the Transportation and Utilities Committee where the Chairman, Senator Gordon Walgren, was an active and often quoted opponent. He was unsuccessful and the bill passed from his committee to the Rules Committee where it languished for several days. At least once it failed to pass there, but it was finally passed by one vote 25-24 on the last day of the session, after acrimonious debate. Subsequently, on the last day for action by the Governor, he vetoed the measure.

Adequate funding for education challenges every legislative session. In 1975 it was more difficult than usual. Faced with shortfall that made increased taxes almost inevitable the situation was made more critical by widespread levy failures all across the state. The long special session which dragged on until June 9 may be attributed almost entirely to the difficulty in settling upon school financing. External pressures were extreme. The teachers threatened a strike. On one occasion 6,000 rallied in Olympia. On another day more than 3,000 students congregated in Olympia.

Meanwhile, other legislative matters progressed. The House wrestled for weeks with a death penalty bill passed by the Senate and at the end failed to pass it. This provided the impetus for an initiative campaign which proved overwhelmingly successful.

As the session dragged into May, Governor Evans said so far it was the worst session in 25 years.

Pension reform had been under consideration for some time and the Senate passed a pension reform bill. After serious consideration it languished in the House under intense pressure from various interest groups.

The session ultimately lasted well into June. It was followed by three brief extraordinary sessions in July, August and September. It thus became the longest biennial session since the statehood session of 1889-1890. While budget and taxes were the compelling issues prolonging the session, many others were addressed. While the regular session had been almost totally unproductive the special session did produce significant legislation and noteworthy failures.

Representative Jim Kuehnle, a Spokane Republican, waged a session long campaign to severely limit or close the Evergreen State College. His effort failed but the new school had become highly controversial because of its unconventional methods.

Among proposals which received lengthy consideration but failed passage, were another try at an income tax, annual sessions, dog racing, a state lottery, a state bank, reduction of the Supreme Court to seven members, a three-way workers' compensation law and a salary commission.

Other significant measures which passed but were vetoed by Governor Evans included a Department of Veterans Affairs, milk price fixing, health care mandates, a small loan bill and Public Disclosure Commission reporting requirements for appointed officials.

Late in the session several Democratic political organizations expressed strong dissatisfaction with the legislative leadership. The King County Young Democrats, among others, called for Mardesich and Sawyer to resign and leave the Party. These demands were ignored but it was indicative of unrest which was to surface later in the biennium.

Senator Henry Jackson was an active candidate for President at the time of the 1975 session and several Democrats led by Senator Mardesich attempted to help him by providing for a presidential primary in Washington State.

After lengthy debate, a primary proposal was approved but it was vetoed by Governor Evans.

The Governor had sought the creation of a Department of Transportation in every session since 1967. It had always failed, primarily in controversy over who would appoint the Secretary of Transportation, the Governor or the Highway Commission. This time legislation was finally passed. However, it was inter-related with bills related to highways funding and taxation and the Governor vetoed the whole transportation package.

June arrived with the budget still not resolved. The Republican Governor proposed a modest tax increase to meet the needs of education. The heavily Democratic legislature refused to go along with a tax increase. They finally approved a budget which provided a \$65,000,000 supplement for education which the Governor found unacceptable. After finally adjourning on June 9, 1975, a special session was convened on July 20 to further address education funding. A three day meeting was followed by a recess and a one day meeting on August 9, a further recess and a two day session on September 6 and 7. No significant changes were achieved in education finance and the 1975 sessions were finally concluded.

During the summer, Senate majority leader August Mardesich was acquitted of federal criminal charges. Several members of his caucus felt he should step down from his position, but a substantial majority of the members supported him. Meanwhile in the House, opposition to Speaker Sawyer was quietly growing.

The 1975 session, including its short, fruitless, summer meetings, was the longest since statehood. To many observers it was not especially productive and was highlighted by the seemingly endless wrangling between the Governor and the Legislature over the funding of education.

Finally, the two day special session in September concentrated on an attempt to analyze the continuing energy shortage. While it focused attention on the problem, no specific solutions were achieved.

A special session had again been called for 1976.

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## 1976

The extraordinary session of 1976 convened with the Democrats still having substantial majorities in each House. This did not, however, assure a harmonious atmosphere. To the contrary, each majority caucus experienced serious dissension. In the Senate, Senator Mardesich stepped down and was replaced by Gordon Walgren from Kitsap County. However, the influence of Mardesich remained a major factor in the Senate.

The situation in the House proved to be much more serious. At the start of the session a bare majority of the members of the Democratic Caucus voted to oust Speaker Sawyer from his position. After a few days Sawyer stepped down. Representative Joe Haussler, a highly respected moderate from Okanogan County was the choice of the mainly liberal anti-Sawyer faction to be the replacement Speaker, but without the cooperation of Republicans they were never able to accumulate the fifty votes necessary to elect him. In the aftermath of Sawyer's resignation, the Republicans sat on their hands and no one was able to gather the fifty votes necessary to be elected Speaker. As a result, Speaker Pro Tempore John O'Brien presided throughout the entire session.

At the start, the goal was to have a five week session. The squabble in the House totally derailed this plan and almost nothing was accomplished there during the first several weeks. During this period the Republicans did vote with Sawyer supporters on a number of procedural matters. This slowed the progress of substantive legislation. The rift in the caucus was very slow to heal and it severely impacted the proceedings of the legislature. As the Sawyer controversy continued, his cause suffered a blow when Alan Thompson from Cowlitz County resigned from his leadership team. When the Speaker finally did step down, Robert Charette the majority leader from Grays Harbor County, also quit. Meanwhile, Ed Luders from Spokane County, the majority whip, resigned from the legislature.

As an aside to the leadership battle, some of the Pierce County members who opposed Sawyer received threats of retaliation for their defection. While many in the labor movement encouraged the demise of Leonard Sawyer it is interesting to note that in Pierce County some labor officials were very tough with the dissidents in that county.

Finally, the Democrats formed a new leadership team with Alan Thompson as floor leader, and Rick Bender and Donn Charnley both from King County as his lieutenants. The arrangement was less than successful in achieving quick results. In an attempt to bring some order to what had become a rather chaotic situation, the dissident Democrats formed a policy committee in an attempt to provide some direction to the proceedings.

Not long after his resignation as Speaker, Sawyer announced he would not run for reelection. He soon departed on a business trip to Papua New Guinea, a new Republic in the South Pacific. This venture on the part of the ex-speaker fully occupied the political press for more than a week.

In the aftermath of the long drawn out 1975 session and the introduction of the continuing session concept, an increasing number of members in both houses were announcing that they were not planning to run again.

By early February it had become clear that the intention to have only a five week session was not going to be achieved. In addition to the problems within the House Democratic Caucus there was serious disagreement between the budget leaders of the two majority caucuses. Senator Hubert Donohue from Columbia County, Chairman of the Ways and Means Committee, and Representative Bud Shinpoch from King County, Chairman of the House Appropriations Committee were just not seeing eye to eye. As a result the session lasted for 78 days, with budget and taxes the primary problem. With the majority unrest in the House, the small Republican minority was at times able to exercise more influence than might ordinarily have been possible.

There was action on matters other than budget and taxes. A substantial legislative salary increase to \$7,200 per year was approved after much debate and sent to the Governor, who approved it. Medical malpractice reform was also passed and signed. A Department of Veterans Affairs was created and passed by an override of the Governor's veto. The State Energy office was created, and an education reform proposal was passed over strong objection from the WEA.

Efforts to call for a constitutional convention were again unsuccessful. An alternative proposal was to authorize a "Gateway amendment" to the state constitution which would have allowed amendment of an entire article in one measure. Senator "Red" Beck from Kitsap County was chairman of the Constitution and Elections Committee and was a strong opponent.

Despite his efforts, the proposal was finally successfully moved out of his committee but it did not get passed.

In the House of Representatives there was a move to open the party caucuses to the public. It reached the floor where the vote was favorable 49-44. Acting Speaker O'Brien ruled that a constitutional majority was required, thus the caucuses remained closed.

By early March many were asking: "Who's running the show?" The deposed leaders Sawyer and Mardesich still lurked in the background. Mardesich, in particular continued to wield substantial influence within the Senate Majority Caucus. The three other caucuses all voiced displeasure with the House Democrats and their apparent disarray.

It had become apparent that a tax increase was going to be necessary to produce a balanced budget, a prospect which pleased no one. In spite of the failure of income tax measures, at recent elections, new proposals continued to be floated in each house.

As the session stretched into March, absenteeism became a serious problem. Many members, distressed with the lack of action, simply went home. The situation was further complicated in mid-March when work was started on a renewal project in the Senate chambers.

Senator Donohue proposed adoption of a bare bones budget and adjournment. This idea was not well received. Finally, on Saturday, March 20 the House abruptly adjourned which caused an immediate outcry from both sides in the Senate. In the following week after changes were made in the makeup of the Budget Conference Committee, a budget and tax proposal was forthcoming. Nobody liked it. It included a modest tax increase of 1/10 of one percent in the sales tax and a six percent surcharge on the Business and Occupation tax. Achieving 50 votes in the House was an agonizing process. The roll call was temporarily dead-centered with only 47 yes votes. Finally, two Republicans and one Democrat switched to get to 50 and the session ended on March 26, one of the most contentious in state history.

The new taxes were expected to raise \$36 million. Governor Evans claimed the budget was still \$18 million out of balance but claimed he would try to bring it into balance by selective vetoes.

The party divisions in the legislature in 1977 remained precisely the same as in the 1975 session. There were 30 Democrats and 19 Republicans in the Senate; 62 Democrats and 36 Republicans in the House. However, the three term Republican Governor Dan Evans was gone, replaced by Democrat Dixy Lee Ray, a newcomer to Olympia. It was destined to be the longest and one of the most difficult sessions in state history. With one party in control of the legislature and the Governor's office, it should have been easier, but it wasn't.



Governor Dixy Lee Ray.  
Governors Portrait  
Collection, Washington  
State Archives.

In the Senate, Gordon Walgren from Bremerton had replaced August Mardesich as majority leader. Legal problems had plagued Senator Mardesich through much of the prior two years and he had lost the confidence of several of his colleagues. His influence, however, remained strong and he led a group of six Democratic Senators who, on several occasions joined with Republicans to influence significant measures. This loosely knit and very informal coalition was a factor in many of the developments of the entire 1977 session including the very far reaching pension reforms.

The serious controversy which had plagued the House Democrats throughout the prior biennium was resolved with the choice of John Bagnariol from Seattle as Speaker. The truce was an uneasy one. Bagnariol, who had been an ally of controversial former Speaker Leonard Sawyer proved to be one of the most able Speakers in the state's history. His job was not easy, as many of the bad feelings from the prior biennium continued to be a problem.

The fast-building national campaign to limit smoking had its first impact on the legislature in 1977. Each chamber had long been adorned with spittoons near every desk. The chambers and hearing rooms were often immersed in a cloud of smoke. During this session, for the first time, smoking was banned in committee hearing rooms.

The major issue which every legislature faced, producing a balanced budget, was further complicated by a court decision from Judge Robert Doran of the Thurston County Superior Court which required the state to define "basic education" and then provide funding without special levies.

The Chairmen of the Ways and Means Committee in the Senate, and the Appropriations Committee in the House could not have been more different. Senate Chairman Hubert Donahue was a conservative rancher from Columbia County in Southwest Washington. The House Chairman was "Bud" Shinpoch, a fiscally responsible progressive from King County. It took them more than five months to finally resolve their differences. The overall situation was also impacted by the presence of a newly elected Governor with no prior experience on the Olympia scene.

From the earliest days of the session the new Governor developed a very uneasy relationship with the Olympia press corps. Unfortunately this situation was to continue during her entire term of office. She almost immediately undertook an effort to get rid of Parks Director Charles Odegaard and remove the Parks Commission's power to appoint the Director. Senator Peter von Reichbauer, the Chairman of the Senate Parks Committee, did not support the Governor's effort and the whole matter languished in his committee. Ironically, Attorney General Slade Gorton, who was also highly critical of Odegaard, advised the Governor that he could not support her in the method she chose to get rid of the Director.

At the same time, several Democratic Senators introduced and supported legislation which would have severely restricted the power of the Attorney General by allowing state agencies to retain and employ their own lawyers. When hearings were held, former Democratic Attorneys General Smith Troy and John O'Connell both testified strongly and persuasively against the proposal and it soon fell by the wayside.

In another sidelight of interest, the Trustees of The Evergreen State College appointed outgoing Governor Dan Evans as President of the college. They also gave a rather generous sabbatical package to the outgoing President. Several Democratic Senators took offense at that. Coupled with strong antipathy toward Evergreen on the part of some legislators, the matter received extensive press attention for several weeks. In fact, legislation was introduced to abolish the college. The controversy eventually quieted and Evans assumed his duties as President.

The budget proposal which Governor Evans had presented included increased taxes primarily to meet the needs of education. Governor Ray did not give her budget proposal to the legislature until late February. While she did not propose any tax increases she did give nominal support to some form of income tax. Her budget proposal received a very cool reception from many Legislators.

The only bill passed during the first thirty days of the session was the supplemental budget. That was accomplished primarily because the House was out of money and an appropriation was necessary to pay staff and continue operations. Perhaps an omen of things to come was the adoption of a provision to finance the session for 120 days though the regular session was still only 60 days in length.

The Governor apparently considered herself an energy expert and early on she seriously misjudged the legislative ego. She sent an intern to a hearing of the House Energy Committee to testify that she didn't want the committee fooling around with her proposed energy legislation. This provoked immediate outrage from members of the committee, primarily the Democrats. This was but one incident which contributed to an uneasy relationship between the Governor and some legislators of her own party which continued throughout her entire tenure. Prior Governors, primarily Martin, Langlie and Evans, had often been at odds with some members of their own party in the legislature. That condition seemed more obvious and widespread during Dixy Lee Ray's term.

The equilibrium of the Senate Majority Caucus was disrupted by the departure of two of their respected leaders. First, caucus chairman Bob Bailey was appointed to the Utilities and Transportation Commission. Gordon Sandison, long the Senate leader in higher education, succeeded him as caucus chairman. Not long thereafter, Sandison was appointed



Director of Fisheries. The loss of these two had a significant impact on the caucus.

The budget and education were not the only issues which enlivened the session. For several years there had been a strong movement to reform the state pension system to assure its fiscal stability. Senator August Mardesich from Everett had been the prime mover in this effort. After much effort and negotiation during the entire session, enough votes were finally mustered to enact a totally new pension system which became known as PERS II. Advocates of the new pension program were persuasive in their position that the new law would save the state more than 900 million dollars in the first 20 years. Much of the credit for the change belongs to Senator Mardesich. There are many who attribute his loss in the Democratic primary the following year to his work on the reform of pensions.

Another session-long controversy centered on the location of an oil port in Northwest Washington. A majority in the legislature did not want a port any place east of Port Angeles. The Governor favored a port near Bellingham. When a bill reached the Governor's desk banning a port east of Port Angeles, she vetoed it and the veto prevailed.

Having come from working in the energy field in Washington D. C., Governor Ray had particularly strong feelings on that subject. The energy shortages of the mid-seventies had not yet been alleviated. Added to this, the State was experiencing one of the most serious droughts in history. During the session the legislature even authorized and funded a cloud seeding project.

A controversy also arose over the authority of the energy facility siting council. The issue was whether the council or local authorities were to control siting matters specifically with reference to pipeline proposals.

The actions of the Governor were sometimes hard to comprehend. She had campaigned hard to enact "sunset" legislation to eliminate unnecessary government functions. When a sunset legislation bill reached her desk she promptly vetoed it much to the dismay of the legislature. She claimed the executive was not allowed sufficient participation in the "sunset" process. When legislative leaders recovered from their shock, a compromise was negotiated and a "sunset" bill was passed.

Few sessions, since the first territorial legislature in 1854, have not been faced with proposals pertaining to liquor. The Steel Act of 1934 which followed the repeal of prohibition established a State Liquor Control Board which consisted of three members serving staggered terms of nine years. The original purpose was to keep liquor out of politics as much as possible. Governor Ray had the immediate opportunity to appoint a new chairman but there remained two holdovers with three and six years remaining on the terms. There were some, who for primarily political reasons, found this situation undesirable. As a result, legislation was introduced to abolish the board and start over with a new board serving six year staggered terms. While the proposal received a lot of attention, the heavily Democratic majorities in the legislature were not yet ready for such a change.

By the end of the regular 60 day session, only 50 bills had been passed. None of these were of major significance. Republicans in the House requested the Governor to delay a special session for 30 days. She did not signify her intention until the 59th day of the regular session. She then called an immediate special session.

During the long special session which followed tempers became frayed at times. A couple of incidents are worthy of mention. Exchanges between Governor Ray and Senator von Reichbauer had arisen regarding the Director of Parks and the power of appointment to that position. Later when the Senator, as chairman of the State Government Committee, was unresponsive to the Governor's proposals for state government reorganization, Senator Donahue sided with the Governor and sent a blistering letter to von Reichbauer which captured the full attention of the press for a couple of days. In the House, late in the session, Speaker Bagnariol became so infuriated with the Republicans over what he saw as obstructionism that he relinquished the gavel and took the floor to make a scathing attack upon the tactics of the minority. He then had the session adjourned for the day.

The House did pass a number of interesting measures which all died in the Senate. Among these were: a presidential primary, a constitutional convention, and the decriminalization of marijuana use.

In the transportation area, after a ten year battle, the Department of Transportation was finally created. The decade long controversy over who would appoint the Secretary was resolved in favor of the Highway Commission instead of the Governor, a result which might not have been reached had Evans still been Governor.

The existing death penalty statute had been ruled unconstitutional by the courts. Public opinion heavily favored the death penalty. However, a voter approved initiative appeared to be of questionable constitutionality. It had passed by a huge majority of nearly seventy percent at the 1975 election. Since it was still within two years of passage of the initiative a two-thirds vote was required for amendment.

After in depth consideration in each House, a new law was passed and sent to the Governor who signed it.

Turf battles seem to erupt in almost every legislative session and 1977 was no exception. In the financial area, savings institutions sought some modest expansion of their powers. As was typical, the large commercial banks utilized all of their substantial lobbying clout to defeat the requests of the much smaller savings banks and they were largely successful. The bill which emerged contained only minimal changes in the law.

Also on the financial side, after several years a new small loan bill was passed. Largely as a reaction to sustained inflation, amounts and interest rates for small loans were modified and increased.

In other matters of interest, a motorcycle helmet law which had been in effect for several years was repealed. A mobile home landlord-tenant was enacted. The three normal schools which had years earlier been designated colleges now had their status changed to Universities. In the transportation spending area the construction of new super ferries was authorized.

In almost every session in the post World War II era there were efforts to reorganize state government and to modernize the constitution. In many sessions a proposal passed the House only to languish in the Senate Constitutions and Elections Committee. Knowing that was going to happen, it is hard to judge how strong support for change really was. House members were pretty free to vote for reform, putting a good progressive vote on their record, knowing proposals would never get to the Senate floor. This time the Senate passed a proposed "Gateway Amendment" which would allow change of an entire article of the state constitution, but it didn't pass the House.

In transportation, an increase in the gas tax was approved. The tax had been nine cents per gallon. The new rate was calculated on a variable basis, but couldn't exceed twelve cents per gallon.

While pension reform may have been the most notable accomplishment of the 1977 session, the biennial battle of the budget was a classic, made even more difficult by the court-imposed requirement to determine an appropriate definition for basic education.

The 1975 legislature had enacted a temporary increase in the sales tax and a surcharge on the business and occupation tax. It was generally agreed that these temporary increases would have to be continued. Beyond that, the disagreement between the two Houses was immense. In mid-April the Senate passed a no-new-taxes budget with strong bipartisan support. The vote was 40-8. This proposal was largely acceptable to the House Republicans, but the large Democratic majority there didn't like it at all. Unfortunately, there was little agreement within the Democratic Caucus on just how to proceed. That lack of agreement became obvious when it came time to appoint the budget conference committee. Appropriations Committee chairman Shinpoch wanted Representative John McKibbin, from Clark County and the committee's vice-chairman, as the second Democratic conferee from the House. However, Speaker Bagnariol preferred Representative Frank Warnke from South King County. The matter was finally resolved with a compromise and the appointment of senior caucus member Representative Alan Thompson from Cowlitz County.

The session moved into June with little progress. An opinion from the Attorney General concluded that the legislature was required by law to enact a budget by June 30. A citizen in Snohomish County commenced a lawsuit seeking a court to order enactment of a budget. With each passing day absenteeism was becoming more of a problem. Everyone was anxious to leave and the House Democrats who would have preferred an increased budget could not reach any kind of an agreement within their caucus. They finally gave in and on June 22 the longest session in state history ended with adoption of a budget which included no new taxes. There is some argument that adoption of the austere budget was one contributing factor to the serious budget crisis which arose four years later.

Also resolved in the last days of the session was a temporary levy lid for school districts as a partial response to the court imposed order for the state to provide basic education. The matter of state employees' salaries had been at issue throughout the entire session. The employee representatives argued that wage levels had fallen badly behind the private sector. At one point, the WSEA, the smaller of the employees unions engaged in a brief strike. The final budget did include substantial wage increases which averaged around ten percent. At the same time elected officials and legislators also received substantial wage increases.

At adjournment, Speaker Bagnariol said he saw no reason to have a session in 1978. The Minority leader strongly disagreed. As it turned out there was no session in 1978, and that was the last time there was no session the second year of the biennium.

## 1979

Representatives John Bagnariol (D - left) and Duane Berentson (R - right).



The 1979 Session of the Washington State Legislature convened to confront a situation unique in 90 years of state history. The United States Supreme Court had invoked the “one person, one vote” standard in the redistricting of legislative bodies. In order to maintain uniform legislative districts, the membership of the House of Representatives which had been 99 for many years was reduced to 98; since 1973 there was one Senator and two Representatives from each of 49 legislative districts. In the 1978 election, the voters

elected 49 Republicans and 49 Democrats to the House of Representatives. In the aftermath of the election, there was widespread speculation as to how the even split would be resolved. The Democrats retained John Bagnariol as their leader. The Republicans named Duane Berentson from Skagit County as their leader. At that time they had served together in the House for 12 years and were good personal friends.

It was finally resolved that they would serve as co-speakers with each presiding on alternate days. Committees were evenly split in the number of members and each Committee had an executive chairman and a co-chairman. In retrospect, while it may have prolonged the session somewhat, the process worked surprisingly well. Once again, in hindsight, it may be judged that the compatible relationship between the co-speakers helped make the process work.

The Senate Democrats continued to have a strong majority. With Senator Mardesich gone, the small block of Democrats, which had often voted with Republicans in the prior session, no longer existed. Gordon Walgren the Democratic Majority Leader now had far better control than he had enjoyed two years earlier.

During the very long 1977 session, the relationship between Governor Ray and many members of the legislature had become extremely strained. For the first time in nearly a decade there was no special session in 1978. It was obvious very early in 1979 that the situation between the Governor and the Legislature remained uneasy. Some observers felt that the Governor, still a relative newcomer to state politics, did not fully appreciate the role of the legislature. As the session convened the Governor was adamant in demanding that the legislature complete its business in 60 days. While lip service had always been given to completing a session in the allotted time it hadn't happened in more than twenty years. As the state grew and government became more complex, the 60 day constitutional limit established in 1889 when the population was 300,000, became less realistic with each passing biennium.

Full state funding of basic education remained the major issue facing the legislature. With many school levy elections scheduled for early February, the Governor took a neutral position, a stand which infuriated many legislators. In immediate reaction to the Governor's neutrality, the legislature overwhelmingly passed a resolution in support of the levies.

A minor squabble erupted early in the Senate over Republican committee assignments. Newly elected Republican Senator Art Gallagher from the

26th District was an employee of the State Department of Natural Resources and the Republicans wanted him on the Natural Resources Committee. The Democrats resisted this and with their majority kept Senator Gallagher from serving on that committee.

In the first few weeks in the House, progress was very slow as the two parties felt their way into the new process of joint control. Very little substantive legislation was enacted during the regular session. This was not unusual as extraordinary sessions had become the rule rather than the exception. Very few participants or observers believed any longer that the State's business could be adequately addressed in 60 days each biennium.

A couple of external issues impacted the work of the legislature during the 1979 regular session. A major scandal had erupted in Pierce County surrounding the Sheriff's office. A major, and costly, investigation was undertaken. Dean Smith, the former U. S. Attorney in Eastern Washington was hired to lead the investigation and a plea was made to the legislature for financial assistance. This resulted in a state appropriation of \$300,000 to help finance the investigation.

Of more significance was the serious winter storm on Friday, February 13, which destroyed the east end of the Hood Canal Bridge. This totally disrupted transportation on the Olympic Peninsula and required both temporary and permanent responses. Ferry service was quickly established and funds for restoration were appropriated by the end of the regular session.

One major action during the regular session was passage of a Joint Resolution calling for a constitutional amendment to authorize annual sessions of 105 days in the first year of the biennium and 60 days in the second year. The issues had been debated in every session for more than a decade. With strong support from Senate leadership, it now passed handily. After no session in 1978 it had become obvious to a majority of legislators that annual sessions were a prudent course to follow.

The supplemental budget was also passed during the regular session but not without some touchy moments. It moved through the Senate with little difficulty. A substantial snag arose when it reached the House. An appropriation of more than \$300,000 had been added in the Senate to improve access to the campus of the community college in Bremerton. The House Republicans and a few Democrats saw this as a boondoggle for the Senate Majority leader who represented that district. Before passage of the budget that appropriation was removed.

Another significant matter in consideration of the supplemental budget was an effort to remove any funding for abortion services. This issue arose in the House. After an emotional debate the attempt to remove funding lost. The vote was 57-40.

During the regular session the most serious breakdown in the evenly divided House occurred over a relatively minor bill in the Labor Committee. The bill involved workers' compensation coverage for corporate managers. Committee Republicans staged a walkout and the entire process broke down for several days. The leadership got involved and the controversy was resolved.

As the 60th day approached, the Governor seemed to have some difficulty accepting the fact that the legislature couldn't complete its work in sixty days. She refused to make any commitment about calling a special session. Many legislative staffers were critical of this indecision as it complicated their planning. At one leadership meeting in the Governor's office,

she refused to see John Bagnariol, the Democrat Speaker. After this he went to his caucus and offered to resign but his caucus refused this offer and renewed the confidence in him.

Before agreeing to call a special session, Governor Ray wanted a commitment from the legislature that they would complete their work in 20 days. This demand was not ever agreed upon and finally a session was called for March 21 after a ten day recess.

During the session, there had been no action on Initiative 62 which would tie state spending increases to increases in personal income. The measure which had its primary backing from Republican representatives Ellen Craswell and Ron Dunlap now went to the ballot in the next general election.

The extraordinary session lasted for two and a half months. It was prolonged almost entirely because of controversy over the budget. The 49-49 split in the House precluded the use of conference committees and the House Republicans stood firm for a long time in opposition to as much increased spending as the various budget proposals provided.

Numerous other issues received in-depth consideration during the session. Energy shortages which had plagued the country for several years continued to be a problem and the Governor's Energy Office had come under severe criticism.

The Director had resigned under pressure during the fall of 1978. He was replaced from within the agency by an interim replacement. The replacement, Fred Adair, an extremely competent retired navy officer, was constantly frustrated in his efforts to bring some order to the agency. He finally wrote a critical letter to the Governor about lack of support for the agency and she summarily fired him. It is interesting to note that Adair was immediately hired by the House of Representatives. He became Staff Director for the House Energy Committee and remained in that position for many years.

Efforts to reform the product liability laws received major attention throughout the entire legislative session. At the end no agreement could be reached between the two houses and no change in the law was enacted.

Both Houses did pass legislation calling for legislative review of the administrative rule making procedure. The Governor vetoed the bill and the House promptly overwhelmingly overrode her veto. The Senate failed to take further action but the issue remained alive and the legislative administrative rules review procedure ultimately was enacted into law.

The Senate became increasingly frustrated with the slow pace in the evenly divided House. They even passed a bill providing a return to a 99 member House. This would have required one member to run at large state wide. The alternative would have been to form 99 individual House Districts which would have created a redistricting nightmare. The Senate looked at this issue again 20 years later when the House again was tied 49-49. With no solution to the passage of a budget in immediate view the Senate went into a rolling recess on May 12. Most of the members went home and were on call; the Majority leader went to Hawaii, a matter not ignored by the press.

Meanwhile during this same time period, the political media virtually ignored the legislature and turned its attention to the arrest of former Representative Bob Perry on a money laundering scheme. Perry had disappeared two years earlier and had been hiding in Costa Rica. Perry

reappeared in British Columbia where he contacted Seattle P. I. Columnist Shelly Scates. He then returned to Seattle with Scates and turned himself in to Federal authorities, pled guilty to Federal charges, and was imprisoned. The Perry saga dominated the media for several days and pretty much relegated legislative activity to the back pages.

During the special session as the cutoff date for general legislation approached, Lt. Governor Cherberg made a ruling which greatly expanded the definition of revenue related legislation. This kept a lot of bills alive which would have otherwise expired. There were significant accomplishments during the long special session. Medical use of marijuana was approved and signed by the Governor. Mandatory immunization of children was passed. 1979 was a period of unprecedented inflation. As a result, employee pay increases which totaled sixteen percent for the ensuing biennium were enacted. At the end of the session a seven percent increase in legislative pay was also approved.

Nine new Superior Court judgeships were approved with a proviso that candidates would run at the next election. Governor Ray vetoed this section and thus had nine judicial appointments.

Two issues which received serious attention throughout the session were timber tax revision and jail funding. In the end, no revisions were made in the timber tax. On the other hand, a substantial appropriation was approved for jail and prison construction. During the course of the session, the Governor showed a lack of any support for funding. Joe Haussler, a widely respected former House member from Okanogan County, had been appointed chairman of the State Jail Commission. He resigned in disgust at lack of support in addressing the problem of overcrowding. The appropriation, as finally adopted, at least started to provide for additional jail and prison beds.

Economic times were good in 1979, so spending was substantially increased. Also, sales and business and occupation tax increases which had been in effect for several years were repealed. As the budget battle proceeded, rumors persisted that one or two House Republicans might break ranks and vote to pass a Democratic Budget. The two mentioned were Representative Jim Whiteside of Yakima and Representative Shirley Winsley of Pierce County. Neither broke ranks.

Meanwhile in the Senate, the minority Republican Caucus came unglued. Jim Matson and Charles Newschwander were unseated as minority leader and Caucus chairman. They were replaced by Jeanette Hayner of Walla Walla and George Sellar of Wenatchee.

While all of this was going on, Governor Ray threatened legal action against House Republicans for failing to enact a budget pursuant to statutory requirements. This did absolutely nothing to help in solving the budget issue. Finally, on June 1, Duane Berentson the Republican co-speaker provided the 50th vote to pass a budget and the session adjourned in the early hours of June 2.

Most observers described the 1979 session as lackluster.

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## 1980

In the November election of 1979, most political observers were taken by surprise when the voters approved a constitutional amendment calling for annual sessions of the State Legislature. The new amendment provided for 105 day session in odd numbered years and 60 day sessions in even numbered years. In 1889, the population of the new state was just over a quarter of a million and 60 day biennial sessions were fully adequate to handle the business of the state. With growth as the years passed, it became more difficult to complete the work in 60 days. It became common to cover the clock at midnight on the 60th day and continue to do business. At first only a few hours were required to finish the work. That stretched to days and finally to weeks. Finally the Supreme Court ruled the practice unconstitutional.

From that point the Governor called a special session. Only in 1957 did the legislative session end in 60 days. The special sessions got longer and longer. Upon a challenge the Supreme Court again issued a significant ruling. This time the court held that the constitutional 60 day limit to regular sessions did not apply to extraordinary sessions and they were potentially open-ended. Between 1889 and 1969 there were occasional special sessions which did not immediately follow regular sessions. They were ordinarily convened for a special purpose, such as the December 1933 session which was called to deal with the repeal of prohibition.

For the first time, a January session was convened in 1970 and one ensued in 1972, 1974 and 1976. No session was called in 1978, and the 1979 legislature confronted the annual session issue which had been before it for several years and decided to place the question on the ballot where the voters approved it.

Many would describe the 1980 session as a non-event. The Democrats held a strong majority, 30-19 in the Senate. The House remained evenly split 49-49. The Governor, Dixy Lee Ray had not enjoyed a happy relationship with the legislature, particularly the House. Members of both parties in the House of Representatives had great difficulty in communicating with and getting along with the Governor. The situation was complicated by the fact that both co-speakers, John Bagnariol and Duane Berentson were considering running for Governor.

An additional problem for the Governor was her difficulties in dealing with the press. At one point she actually boycotted the Olympia press corps. If she had a program, communicating it to the public was certainly impeded by her very strained relationship with the media.

It is ironic that in the first constitutional even year 60 day session of the legislature, very little of real significance was accomplished. There were only a few issues that really demanded action and significant accomplishment was very limited. In fact, the session probably ranks among the least productive in the history of the state.

A major issue, which was debated at length but not resolved, was the need for additional prison facilities. There was pending a recommendation to build a major facility in the Puyallup area of Pierce County. This plan was met by major opposition from the local community. Governor Ray decided that she favored a 500 bed expansion of the Monroe Reformatory in Snohomish County. During this same time period, the federal government announced plans to close the penitentiary on McNeil Island. There was immediate interest in having the state take over the McNeil prison for state



use. Governor Ray adamantly opposed this idea. Her home was nearby on Fox Island. The situation was complicated by the fact that only the executive could negotiate with the federal government over possible transfer of the prison to the state. This she was unwilling to do. This further complicated her already rocky relationship with the House of Representatives. In the House, there was strong bi-partisan support to obtain the McNeil facility for state use. The House actually voted 93-4 in favor of the McNeil site. There was also strong support in the Senate; but a few strong Senators were supporters of the Governor and the session ended without significant state action being taken.

There were a number of other issues in which the House overwhelmingly passed bills opposed by the Governor. These languished in the Senate. One proposal would have taken away the Governor's power to appoint some of the members of the Public Disclosure Commission. In another instance, Governor Ray vetoed legislation providing for review of administrative rule making. The House overrode the veto 85-5. The Senate did not act.

This continuing tension between the House and the Governor may well have impeded the passage of legislation in a number of areas. While her relationship with the Senate was much better, it was clearly not a bed of roses. A couple of her appointments became highly controversial. An appointment to the Horse Racing Commission was challenged because of questionable actions by the appointee arising from his participation as a member of the Governor's party traveling to the Rose Bowl. The nominee ultimately withdrew from consideration. At the end of the session an appointment to the Parole Board was held up amid allegations of prior misconduct by the candidate.

The Governor's appointee as commander of the National Guard continued to hold his position as a commercial airline pilot. This resulted in an effort to make the position full time by statute, but it was unsuccessful.

For many years, the Senate had been the death bed for efforts at constitutional reform of state government. An exception was the legislation passed in 1979 creating annual legislative sessions. For 80 years the legislature had proven incapable of redistricting itself according to constitutional requirements. Only initiatives and court intervention had ever resulted in redistricting. This time the House passed a joint resolution calling for establishment of a redistricting commission. As had become customary with such efforts, it died in the Senate.

In the evenly divided House, a Republican member from King County was forced to resign because of a morals allegation. In this situation it is amazing how quickly the political machinery operated and a replacement member was appointed and in Olympia within a few days.

Measures upon which there was serious consideration but no legislation included timber tax relief, college collective bargaining, and an enabling law for construction of an oil pipeline across the state. Disagreement as to the authority local governments would have over locating the pipeline was the hang-up which finally killed the proposal.

Energy shortages and drought had been an issue during much of the 1970's. Governor Ray's administration of the state energy office had become a major problem in her term. The House, in particular, attempted to craft legislation to alter the energy office and energy policy but it proved impossible to reach agreement on any new laws.

Inflation was rampant in 1980 and state usury laws were causing serious problems in the financial industry. Attempts to find a fair and equitable solution continued until the final hours of the session but nothing was passed.

As is always the case, disagreement upon the adoption of a supplemental budget was the primary problem to be solved.

The old adage that it never pays to pick a fight with the man who buys ink by the barrel was well demonstrated by Governor Ray's relationship with the press. An example: Representative Steve Tupper, a Seattle Republican was attending a reception at the Governor's mansion. When he met her in the receiving line he mentioned a comment he had received from a constituent regarding the McNeil Island proposal. The Governor replied "You can tell your constituent to go to Hell." Unfortunately for her the press got a hold of the remark and almost every daily newspaper in the state had a field day commenting on the Governor's statement. Incidents such as this seemed to command more press attention than the substantive issues before the legislature. One survey conducted late in the session sought legislators' evaluation of the Governor. A majority of the substantial numbers of responses received from members were unfavorable.

Toward the end of the session, a bill reached the Governor's desk creating a park in the Auburn area of South King County. A number of local officials came to Olympia for the bill signing only to learn that the Governor was going to veto the bill. This action made a lot of local people very unhappy.

Nursing home legislation was debated throughout the session. An accommodation was finally made to provide modest relief to the nursing home industry and a bill was delivered to the Governor which was signed after the session ended.

The House, in particular, was concerned with implementing a nuclear waste ban. Debate was prolonged and comprehensive. The Governor, while not specifically opposed, did not agree to the time frame for implementation. In the end no legislation was enacted.

While the co-Speakers had their eyes on the Governor's race it was generally known that Senate majority leader Gordon Walgren planned to run for Attorney General. This, gave rise to speculation as to who his successor might be. There was even some talk early in the session that there might be an effort to unseat him. This speculation centered on Senator Bill Day from Spokane. Nothing ever came of it.

An effort to expand gambling failed. The Senate looked seriously at requiring a study of the Washington Public Power Supply System. Unfortunately it did not proceed. Whether it might have affected the subsequent demise of WPPSS is an unanswered question.

The Governor's Supplemental Budget request was in excess of \$62 million dollars. Both Houses proposed a much lower figure and the final budget was less than \$50 million. The legislature did not adjourn until 3:00 a.m. on the 61st day. Only housekeeping matters were pending after midnight and no court challenges ensued. All in all, the first constitutional annual session was very unremarkable.

The 1981 legislature convened in a climate of change. Democratic Governor Dixy Lee Ray was defeated in the 1980 September primary by State Senator Jim McDermott. He, in turn, was defeated in November by Republican King County Executive John Spellman.

The Republicans took control of the House for the first time in eight years. They enjoyed a comfortable 56-42 majority. The Democrats maintained control of the Senate by one vote, 25-24. This was a very tenuous situation as at least two members of the majority were openly unhappy with their caucus.

Bill Polk from King County was elected Speaker of the House and Ted Bottiger from Pierce County was chosen majority leader in the Senate.

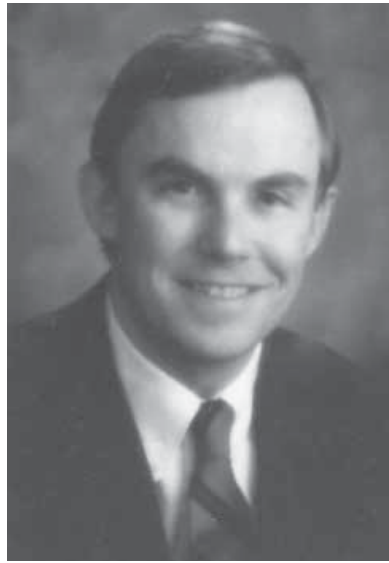
Since just after World War II the state had faced a serious financial problem approximately once each decade. 1981 was to be one of those years. While many had campaigned on a no new tax promise, the new legislature was confronted with a fiscal shortfall in excess of one billion dollars.

The first major issue on the agenda was a supplemental budget. A minimum of \$30 million was needed to maintain services until July 1, 1981. Even that amount entailed enforcing substantial cuts in spending. The House passed a supplemental budget which included substantial cuts in Medicaid and welfare. The Senate Democrats, with their slim majority, balked at this and the process was temporarily at a standstill. As is always the case, committee work on general legislation proceeded as usual.

The new Republican majority in the House adopted rules changes which met with a stiff resistance from Democrats. The most controversial was provision for doing business as a committee of the whole. After a lengthy debate, as is always the case, the majority prevailed.

It had been known for a couple of years that the Federal government was closing the McNeil Island prison. This state had a serious prison shortage but any proposals for the state to take over McNeil had been thwarted by Governor Ray who strongly opposed the acquisition. Whether her fierce resistance was influenced by her nearby residence on Fox Island was a matter of speculation. Governor Spellman had an entirely different attitude and he was able to announce shortly after taking office that the state would negotiate to take over the Federal prison.

The complexion and dynamics of the 1981 session changed dramatically on the morning of Friday, February 13, when, at a hastily called press conference in the Senate Rules room, Senator Peter von Reichbauer announced that he was leaving the Democrat caucus to become a Republican. Near pandemonium ensued. Democrats were outraged. Republicans were gleeful. Most lobbyists and interested parties simply disappeared from the Capitol for a day or two. A few, who remained and were seen in contact



Peter Von Reichbauer, 1987.  
Washington State Senate  
Photo Collection,  
Washington State Archives.

with the new majority, found themselves in great difficulty with the Senate Democrats.

The next several days were chaotic. In a midnight raid, Democratic documents were removed from the printing area. This outraged the Democrats and provided the press with fodder for several days.

Also, a substantial number of Democratic staffers were advised their jobs were being eliminated. This resulted in an immediate lawsuit in Federal Court where the judge temporarily restrained the terminations. After several weeks of wrangling, most of the staffers kept their employment.

The turmoil created by the switch in majority in the Senate had an enormous effect on the entire remainder of the legislative biennium. The new majority was able to promptly pass a supplemental budget. The Democrats loudly complained of drastic cuts in social programs. The moderate Republican Governor was not happy with it and it did prove inadequate. A second supplemental budget ensued later in the session.

While most Republicans had campaigned on a platform of no new taxes, it became apparent by early March that additional revenue was required to achieve even a semblance of a workable budget. At that time, the appropriations chairmen, George Scott in the Senate and Rod Chandler in the House, had concluded that some new taxes were going to be required.

During the first 60 days of the session almost no legislation except the first supplemental budget was passed. The State was borrowing money to meet payroll. After 90 days, the Governor had signed only 9 bills.

The von Reichbauer affair continued to cause reverberations on a number of fronts. The state Democratic party had temporarily fragmented into two organizations. Both called for the Senator's resignation. The 30th District Democrats started a recall movement. A judge ruled that the recall petition was sufficient and signature gathering could commence.

In the House, two Tacoma Democrats introduced legislation that would have made changing parties during a session, a criminal offense. Meanwhile, in the Senate the Democrats proposed to censure von Reichbauer. They also moved that he not be allowed to vote on the censure motion. The Lieutenant Governor ruled that he could not vote. This created a temporary standstill, as a tie vote could have been broken by the Lieutenant Governor in favor of the censure. At that point there was even talk about removing the Lieutenant Governor from the Rules Committee and his position as chairman. Finally, both sides backed off and the censure motion came to a vote.

During this same time period, there were many murmurs of discontent from within the Senate Democratic Caucus. Speculation about an imminent change in leadership was widespread but nothing ever came of it.

Also, a new wrinkle was added when reports circulated that Senator Art Gallagher, a freshman Republican from Pierce County, was contemplating joining the Democrats. It really never became clear how serious threat was, but nothing ever came of it.

While budget issues and the party switch were the focus of most attention there were several other very important issues under debate. For many years, a top item on the legislative agenda of the business community had been the creation of changes in the Industrial Insurance system. The main aim was adoption of a so-called "three way system" providing for the state system, self-insurance by larger employers and private coverage. Labor had always strongly opposed private coverage. With the Republicans in control it was seen as an excellent opportunity to authorize "three way

comp." It was not to be. The House easily approved the proposal. In the Senate the Democrats were unanimous in opposition and they were joined by Republican Senator Kent Pullen from South King County. Hence, the legislation did not pass.

During the entire 1981 session questions pertaining to the Washington Public Power Supply System continually arose. The System, which had plans for three nuclear power plants, needed additional financing authority. Numerous legislators had serious questions about the long-term viability of the system. Finally, in the dying hours of the session, bonding authority was approved but it was accompanied by the commission of a study to examine all of the operations of the supply system.

With the onset of another decade the issue of reapportionment was again before the legislature. With the Republicans in control they were able to enact a redistricting bill. The Congressional delegation disliked the lines drawn and the Governor vetoed the congressional portion of the bill. It is interesting to note that though House Republicans were the primary architects of legislative redistricting they lost their substantial majority in the next election and remained in the minority for the ensuing 12 years.

Prior to the 1981 session, the Supreme Court had ruled the death penalty statute unconstitutional. It was clear that a majority of the public and of the legislature, were in favor of the death penalty. Much effort was expended during the entire session to craft a law which would pass constitutional muster. While opponents were in a minority they were very committed and very vocal. In the end a new death penalty statute was enacted.

Problems within the Washington State Ferry System were magnified during the session, when employees of the system engaged in an unauthorized one day work stoppage. This brought about calls for immediate, drastic action particularly from areas affected by the strike. After lengthy and heated debate two of the final bills enacted during the regular session impacted the system. The first gave the Governor emergency powers to keep the system running. The second, which the Governor allowed to become law without his signature placed the ferry system under civil service laws.

In addition to all other fiscal issues which confronted the state in 1981, nationally inflation was nearly out of hand. For several years there had been an intense effort by financial interests to revise upward the statutory interest rate limits. Until this time, fierce opposition from labor and consumer groups had successfully stopped any change. This time, however, market-place interest rates had climbed so high that statutory limits were impeding all kinds of consumer financing. The battle throughout the session was intense, but in the end with the Republican majorities in both houses a bill was passed relaxing some of the existing interest rate limits.

Among government reform measures enacted during the Evans administration was creation of the Department of Social and Health Services within a single agency. From the beginning, there was dissatisfaction with the unwieldiness of the agency. Some critics wanted to dismantle it entirely. After lengthy hearings it was determined to take Corrections from DSHS, and the Department of Corrections was formed.

Congress had created the Northwest Power Planning Council to administer power issues affecting the four Pacific Northwest States. At issue in Washington was how this state's two members would be determined. At the end it was established that the Governor would make the appoint-

ments. An effort to require that both members not be of the same political party was not successful.

Limitations on product liability law had been an issue up for discussion for several sessions without any change. This time there was active consideration throughout the session and substantial limitations were ultimately enacted. Among the changes were definitions of joint and several liability, comparative negligence and applicability of the statute of limitations.

The financial problems of the state also extended to local governments. There were continuing efforts to provide additional taxing authority for local governments but in the end no such authority was provided.

The dire fiscal situation was not helped by projections which indicated that the economy was not likely to improve any time soon. The problem facing majority Republicans was made more difficult by a number of their members who would simply not vote for any tax. At the end, a budget was barely passed by the slimmest of majorities. There were enacted several nuisance taxes and a large increase in college tuition. On the transportation side, a modest increase in the gas tax was approved. The legislature then adjourned, but many observers foresaw a train wreck looming on the horizon.

Shortly after session, which ended in late April, the House Democrats met and chose a new leadership team led by Wayne Ehlers from Pierce County.

Throughout the summer and fall, the fiscal situation continued to deteriorate. The state was, in fact, operating on borrowed money. Finally, on November 9, Governor Spellman called a special session, the basic purpose of which was to find additional revenue. The mood of the legislators returning to Olympia was not a pleasant one. The fact that the state was close to defaulting on its obligations did not move some anti-tax Republicans including three in the Senate who held the balance of power there.

There were three weeks of constant wrangling among the four caucuses and with the Governor. Almost nothing other than the fiscal crisis was considered. The congressional portion of the redistricting bill passed in the regular session had been vetoed by the Governor. Efforts to craft a new bill in the special session never really got off of the ground.

The budget passed in the spring was revisited. Substantial cuts in almost every aspect of state spending were put into place. In general, limits were placed on hiring, travel and almost every other area of operation. Criteria for social services eligibility were tightened. Nevertheless, the gap between income and expenses was still several hundred million dollars. Finally, by the thinnest of margins, a temporary sales tax increase of 9/10 of one percent, from 4.5 to 5.4 percent was begrudgingly approved. No one was happy, and the fiscal problem was not entirely solved.

All in all, 1981 was not one of the Legislature's better years. It started with a Senator changing parties. The effect of this action pervaded the entire year. It ended with enactment of the largest single tax increase in the history of the state. The financial crisis overshadowed everything else. In retrospect, the 1981 session was very short on the accomplishment of positive, meaningful legislation.

The 1982 session was the second annual session since the voters had approved such sessions in 1979. In many ways it proved to be the most trying and difficult since the 1930's. Nationally, inflation was not under control and interest rates were at historic highs. In the state, unemployment rates were above 10% and a recession was in full swing. State revenues were slipping with no short term upswing in sight. Four hundred million dollars in borrowings were to come due in the fall. State bond ratings had been reduced and national financial experts were advising that the overall tax and revenue structure was not adequately responsive.



Governor John Spellman.  
Governors Portrait  
Collection, Washington  
State Archives.

In addition, the atmosphere in the legislature was not a happy one. Republicans controlled the Governor's office and both houses of the legislature by virtue of a party switch in the Senate on February 13, 1981 when Senator Peter von Reichbauer became a Republican. This action created great animosity on the part of the Democrats. The residual effects continued to dominate the 1982 session and made any bipartisan cooperation more difficult.

While the special session in late 1981 had provided temporary relief, it was evident by January of 1982 that it would take large spending cuts and increased revenue to produce a balanced budget. The prospect for a solution was complicated by the fact that a number of Republican legislators in both houses were unequivocally opposed to any new taxes. This made the task of the majority much more difficult. Most legislators accepted that, to balance the budget entirely through cuts in the spending, was not feasible. The challenge, and it proved a difficult one, was how to reach a solution that could muster the necessary votes for passage and the Governor's approval.

The overall situation was not helped by constant friction between the Governor and anti-tax Republican legislators. He had dubbed the anti-tax House members "Troglydites," a term which the press had a field day with but which did nothing to ease relations between the executive and the legislature.

Early in the session, Glen Pascal, Director of the Department of Revenue, suggested to a legislative committee that perhaps it was time to again look at an income tax. Pascal, who was popular with many legislators, was promptly fired. Within a few days he was hired by the Senate Republican Caucus.

In the same time frame, the long time non-partisan Senate staff director was fired under intense pressure from one Republican Senator. These actions did nothing to ease an already tense atmosphere throughout the legislature.

One positive accomplishment in the early weeks of the session and perhaps the only one, was successful passage and gubernatorial approval of congressional redistricting.

The financial dilemma which had already resulted in reduced bond ratings was not helped by the pending demise of the Washington Public Power Supply System plan to build three nuclear power plants. This was a potential fiscal disaster which impacted the state's already shaky financial status.

Democrats made it quite clear that their participation in solving the fiscal dilemma was dependent upon at least a temporary extension in unemployment benefits.

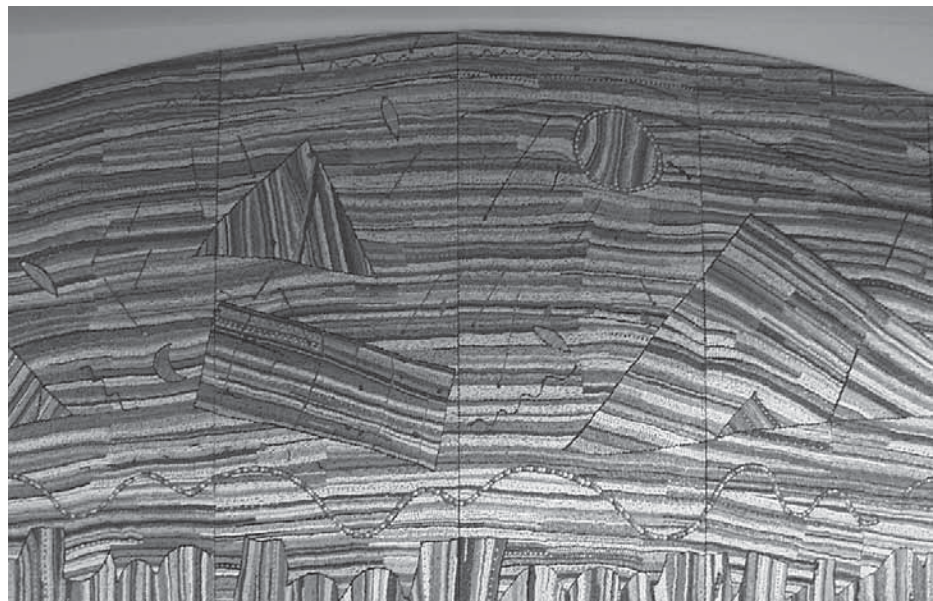
As the 60 day session drew to a close there remained huge differences among and within the parties as to how much spending was to be cut and how much revenue was to be raised. Hence, another extra-ordinary session became inevitable.

At this point it may be appropriate to point out that the make up of the legislature continued a steady change which had progressed over many years.

The traditional 60 day biennial session had become an anachronism. Only once since World War II had the legislature completed its work in 60 days. Since 1970, with one exception, there had been a session every year. Now, the Constitution had been amended to provide annual session of 105 days in odd-numbered years and 60 days in even-numbered years. What had once been a biennial part-time service now consumed fifty to seventy-five percent of a dedicated legislator's time. This drastically reduced the pool of prospective candidates. Successful business and professional people were no longer able to serve. During the 1982 session, newspaper stories appeared highlighting the toll which legislative service was taking upon careers and also upon marriages.

The Governor called a special session declaring it was to be a ten-day session. Many, within and without the legislature, declared that the Governor had no such authority and that once a special session was called only the body could conclude it short of the constitutional 30 days. As it turned out, a solution was not even close after 10 days.

In 1980, University of Washington professor and acclaimed artist Alden Mason was commissioned to create artwork for the Senate chambers. However, once installed, the bright colors and rippling pattern of the murals were determined to be too visually distracting for the chambers and they were removed. Centralia College acquired the Mason murals in 1991 and they now reside in the college's Henry Kirk Library.





While the fiscal dilemma was totally dominant, there were other matters which received attention.

During the 1970's, art work was added to the walls in both chambers. It was immediately controversial. The Senate walls were adorned with work in small mosaic tiles. It could be very hard on the eyes. One day Lieutenant Governor Cherberg had this writer accompany him out to the podium. The Senate was not in session. His instruction was to look up at the mosaic tiles on the rear wall. After a few seconds of looking up there a feeling of near vertigo ensued. In any event, the art work was soon removed. In the House, the murals were far more controversial. They were supposed to depict the twelve labors of Hercules. Some observers claimed they were pornographic. Many more felt the murals were just not suitable for the legislative chamber. The strongest promoter of the artwork was former Speaker and long-time leader John L. O'Brien. His support probably kept it there longer than it otherwise would've stayed. However, the members in this session voted strongly for its removal.

Budget and taxes were not the only areas in which the Governor and the legislative clashed. Both houses approved a measure to permit construction of a large oil port in Whatcom County. The heavily lobbied proposal was vetoed by Governor Spellman. The Senate promptly overrode the veto but the House never acted.

The conservative Republican majority in the House passed and sent to the Senate a joint memorial asking Congress to enact a constitutional amendment requiring a balanced federal budget. The memorial did not pass the Senate.

There was a session-long effort to make amendments to the ferry system labor act which had passed in 1981. This effort continued until the last hours of the session but no consensus was reached.

The fast growing dilemma of the Washington Public Power Supply System cast a growing shadow upon the already precarious economic crisis in the state. Senator King Lysen from King County was an outspoken critic of WPPSS. He was using the Senate printer to circulate his views. As a result he was barred from using the Senate printer. He was subsequently accused of surreptitiously having printing done by the House printer.



At the same time artwork was commissioned for the Senate chambers, University of Washington professor and renowned artist Michael Spafford was commissioned to create artwork for the chambers of the House of Representatives. "The Twelve Labors of Hercules" was installed but covered up after just a few months when influential members of the House determined it to be inappropriate. In 1993 the artwork was placed in storage. Centralia College acquired the artwork in 2003 and it is now installed in the college's Corbet Theatre.

As the special session proceeded with no solution sight the Governor announced he would impose 8% across-the-board cuts in the state spending on April 1. Various proposals for spending cuts and tax increases were presented only to fall by the wayside. The House passed a lottery bill but it didn't survive in the Senate.

Among measures which were enacted were a \$430 million construction budget, authorization for two new prisons approval of the Seattle Convention Center and freeway improvement money. One reaction to the WPPSS fiasco was a total revamp of the makeup of its board of directors.

During the Special Session, both houses ran out of money and had to appropriate funds to finance the session. The Chief Clerk of the House, Vito Chiechi was a very significant participant in the actions of the majority there. He resigned on April 6, just before the end of the special session to accept a Federal appointment.

An accommodation to extend unemployment compensation benefits was finally reached and budget and taxes were enacted on the 30th day. Spending was cut by \$142 million. Taxes were increased by \$272 million including reimposition of the sales tax on food until the end of the biennium.

The saga of the 1981-1982 biennium was not yet over. With repayment of \$400 million in borrowing looming in the fall, and interest rates still at an all time high, it soon became obvious that the state would run out of money. Hence, a special session was called for the 26th of June.

This was the second extraordinary session of 1982 and the sixth session of the 1981-1983 biennium (two regular, four special). This was the most of any biennium since statehood.

In convening the session, the Governor reiterated the dire financial situation in the state and emphasized that in the absence of legislative action he would be required to enforce across-the-board spending cuts of 8.2 percent. He also pointed out that he had been meeting with legislative leaders for several days and that those meetings had indicated a spirit of cooperation in seeking a solution to the fiscal crisis.

Although there was a lack of agreement on the figure, it appeared that the revenue shortfall for the remainder of the biennium was about \$250 million. During the seven day session, only a few hours were actually spent in session on the floor of each house.

The phase out of the business inventory tax which had been enacted several years earlier was delayed. Spending was cut by \$100 million. A temporary three percent surcharge on taxes was imposed. Finally, the state got a lottery. Passage required a 60% yes vote. It got just that in the House on the fifth day, and in the Senate on the sixth day.

As a safety valve, the Governor was authorized to impose further selective cuts in spending up to \$20 million if it became necessary.

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## Postscript

A study of 150 years of legislative history of the state and territory has been a very fulfilling experience for a political junkie. Also, an occasional comparison with the legislative history of our neighboring states of Oregon, Idaho and Montana has been enlightening. In many instances the similarities are outweighed by the differences.

Prior to the direct election of United States Senators, the state legislatures chose the Senators. On one occasion, Washington, Montana and Oregon did not choose a Senator and each state went for two years with only one Senator.

The process leading up to adoption of the Initiative and Referendum could not be more different than the experience in Washington and Oregon. In Oregon, a single political figure, William U'Ren made adoption of the Initiative and Referendum a virtual personal crusade. He served one term in the legislature in 1897. He then devoted his efforts almost full time to adoption of the process. It reached the ballot in 1901 and was overwhelmingly adopted by a 10-1 majority.

Washington had no such personal crusader. Adoption of the Initiative and Referendum was major goal of the Populist-dominated 1897 legislature. The effort failed. It was a major issue before every legislative session until 1911. The major proponents were labor and the Grange. Finally, before the 1910 election, pre-election commitments were sought from legislative candidates. Votes in both houses on second reading were badly split. In the Senate, particularly, several weakening amendments were lost on tie votes. There was no Lieutenant Governor at the time as Governor Cosgrove had died. Strong lobbying efforts resulted in the two thirds votes necessary to put the Constitutional Amendment on the ballot. In the 1912 election the Initiative and Referendum was adopted. It is interesting to note that 350,000 people voted in that election. Fewer than half of the voters even bothered to vote on the issue. Less than one third of the voters who voted in the election gave us the Initiative & Referendum. From this lack of interest on the part of the electorate it can hardly be said that it was a burning public issue. A perusal of the debate surrounding the legislative history would indicate that the matter might never have reached the ballot had the supporters even considered that a century later initiative campaigns would be dominated by paid signature gatherers.

