

HOUSE CONCURRENT RESOLUTION 4410

State of Washington 54th Legislature 1995 Regular Session

By Representatives Ebersole, Appelwick, Brown and Grant

Read first time 04/23/95.

1 BE IT RESOLVED, By the House of Representatives, the Senate
2 concurring, That the following be adopted as the Joint Rules of the
3 Fifty-Fourth Legislature:

4 JOINT RULES
5 OF THE SENATE AND THE
6 HOUSE OF REPRESENTATIVES

7 FIFTY-((THIRD)) FOURTH LEGISLATURE

8 ((1994)) 1995

9 JOINT RULE NO.

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11 Rule 2 Legislative conflict of interest.
12 Rule 3 Independence of legislative judgment.
13 Rule 4 Undue influence of legislator.
14 Rule 5 Abuse of legislative position.
15 Rule 6 Employee actions.
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32	<b>Rule 37</b>	Joint rules to apply for biennium.

33

### **Code of Ethics**

34       **Rule 1.**       Rules 2 through 7 of these Joint Rules constitute a  
35 Code of Legislative Ethics which shall be administered under the  
36 provisions of RCW 44.60.010 through 44.60.130. Disciplinary actions

1 for violation include: In the case of a legislator, reprimand, censure,  
2 or expulsion, and when applicable, restitution; and in the case of a  
3 legislative employee, reprimand, suspension, or dismissal, and when  
4 applicable, restitution.

5 **Legislative Conflict of Interest**

6 **Rule 2.** A legislator has a personal interest which is in  
7 conflict with the proper discharge of legislative duties if the  
8 legislator has reason to believe or expect that a direct monetary gain  
9 or a direct monetary loss will be derived by reason of the legislator's  
10 official activity.

11 However, a legislator does not have a personal interest which is in  
12 conflict with the proper discharge of legislative duties if no benefit  
13 or detriment accrues to the legislator as a member of a business,  
14 profession, occupation, or group, to a greater extent than to any other  
15 member of such business, profession, occupation, or group.

16 **Independence of Legislative Judgment**

17 **Rule 3.** Actions which destroy public confidence in the  
18 independence of judgment of a legislator:

19 Section 1. A legislator shall not vote on or influence legislation  
20 in committee or on the floor of either house, where the legislator has  
21 a personal interest which is in conflict with the proper discharge of  
22 legislative duties.

23 Section 2. A legislator shall not accept any gratuity or  
24 compensation for services rendered in connection with legislative  
25 employment other than legislative salary.

26 Section 3. A legislator shall not accept an honorarium if it can  
27 be reasonably concluded that the honorarium would not have been made  
28 but for the legislator's status as a legislator.

29 Section 4. A legislator shall not ask, receive, or agree to  
30 receive anything of value upon any understanding that the legislator's  
31 vote, opinion, judgment, or action will be influenced thereby.

1 Section 5. A legislator shall not solicit, receive, or accept a  
2 gift, favor or service under circumstances where it could be reasonably  
3 inferred that such action would influence the legislator in the  
4 discharge of legislative duties, or was a reward.

5 Section 6. A legislator shall not accept any remuneration other  
6 than legislative compensation for legislative advice or assistance.

7 Section 7. A legislator shall not appear before any department of  
8 state government for compensation that is contingent upon action by  
9 that department of state government unless the fee is set or approved  
10 by that department.

11 **Undue Influence of a Legislator**

12 **Rule 4.** Actions which involve undue influence upon any state  
13 agency, court, or governmental subdivision:

14 Section 1. A legislator shall not represent clients for  
15 compensation in proceedings or hearings before state agencies, boards  
16 or commissions involving claims of state employees.

17 Section 2. A legislator, singularly or through others, shall not  
18 use or attempt to use improper means to influence a state agency, board  
19 or commission.

20 Section 3. A legislator may use an official title or stationery in  
21 connection with a matter or proceeding before a state agency, board or  
22 commission, only if done without compensation, in connection with  
23 legislative duties.

24 Section 4. A legislator shall not represent any claimant for  
25 compensation in any claim placed before the legislature.

26 Section 5. A legislator shall not receive compensation for an  
27 appearance before a state agency as an expert witness.

28 **Abuse of Legislative Position**

29 **Rule 5.** Actions which constitute an abuse of official position  
30 or a violation of public trust:

31 Section 1. A legislator shall not accept employment, or engage in  
32 any business, or be involved in any activity which one might reasonably

1 expect would require the disclosure of privileged information gained by  
2 virtue of holding legislative office.

3 Section 2. A legislator shall not enter into any contract with a  
4 state agency involving services or property, unless the contract is  
5 made after public notice and competitive bidding; except in cases where  
6 public notice and competitive bidding are not required, the contract or  
7 agreement shall be filed with the Board of Ethics.

8 Section 3. A legislator shall not solicit, directly or indirectly,  
9 a political contribution from a legislative employee.

10

### **Employee Actions**

11 **Rule 6.** Employee actions that impair independence of judgment,  
12 constitute an abuse of employment position, or constitute political  
13 activity prohibited by statute or legislative policy or both:

14 Section 1. A legislative employee shall not accept any gratuity or  
15 compensation for services rendered in connection with legislative  
16 employment other than legislative salary. A legislative employee shall  
17 not accept any employment or serve in any position, in addition to  
18 legislative employment, which would impair the employee's independence  
19 of judgment. Except within the scope of employment, a legislative  
20 employee shall not provide any service to a lobbyist or any other  
21 person.

22 Section 2. A legislative employee shall not accept an honorarium  
23 if it can be reasonably concluded that the honorarium would not have  
24 been made but for the employee's status as a legislative employee.

25 Section 3. A legislative employee shall not use or attempt to use  
26 the employee's official position to (1) personally obtain any  
27 privilege, exemption, special treatment or any other thing of value, or  
28 (2) obtain any such benefit for others except as required to perform  
29 duties within the scope of employment.

30 Section 4. A legislative employee shall not accept or solicit  
31 anything of value for personal benefit or for the benefit of others  
32 under circumstances in which it can be reasonably inferred that the  
33 legislative employee's independence of judgment is impaired or is  
34 intended as a reward for any official action.

1 Section 5. A legislative employee shall not disclose confidential  
2 information acquired by reason of the employee's official position to  
3 any person or group not entitled to receive such information, nor shall  
4 the employee use such information for personal gain or benefit or for  
5 the benefit of others.

6 Section 6. A legislative employee shall not enter into any  
7 contract with a state agency involving services or property, unless the  
8 contract is made after public notice and competitive bidding; except in  
9 cases where public notice and competitive bidding are not required, the  
10 contract or agreement shall be filed with the appropriate board of  
11 ethics.

12 Section 7. A legislative employee shall not solicit or accept  
13 contributions for any candidate or political committee during working  
14 hours. At no time shall a legislative employee directly or indirectly  
15 solicit a contribution from another legislative employee for any  
16 legislative candidate, caucus, or leadership committee, nor coerce  
17 another employee into making a contribution to any candidate or  
18 political committee. No legislative employee, as a condition of  
19 becoming or remaining employed, may directly or indirectly be required  
20 to make any contribution to a political candidate, committee, or party.

21 **Prohibited Political Activity**

22 **Rule 7.** Actions of legislators and legislative employees that  
23 constitute political campaign activity prohibited by statute or  
24 legislative policy:

25 Section 1. Other than activities that are part of the normal and  
26 regular conduct of the legislature, no legislator or legislative  
27 employee may use or authorize the use of any of the facilities of the  
28 legislature, directly or indirectly, for the purpose of assisting a  
29 campaign for election of any person to any office or for the promotion  
30 or opposition to any ballot proposition. Facilities of the legislature  
31 include, but are not limited to, use of stationery, postage machines,  
32 and equipment, use of employees of the legislature during working  
33 hours, vehicles, office space, publications of the legislature, and

1 constituent, interest group, or lobbyist lists of persons developed by  
2 the legislature.

3 Section 2. No legislative caucus or political organization of  
4 legislators or legislative leadership may conduct a political fund-  
5 raising event during the period the legislature is convened in regular  
6 or special session.

7 Section 3. No retaliation shall be permitted against any  
8 legislative employee who in good faith cooperates or has cooperated  
9 with the public disclosure commission in bringing to light potential  
10 violations of law or legislative policy.

11 **Legislative Questionnaires**

12 **Rule 8.** The use of public funds by a legislator or legislative  
13 committee for mailed questionnaires is authorized only when the  
14 following criteria are met:

15 (1) The questionnaire is authorized by a legislator, and  
16 confined to soliciting opinions or facts relative to legislative issues  
17 or studies;

18 (2) The identity of the legislator or legislative committee  
19 sponsoring the questionnaire is disclosed on the questionnaire;

20 (3) Except as otherwise provided in this section, a legislator  
21 may authorize mailing of a questionnaire at any time.

22 During the twelve-month period preceding the expiration of a state  
23 legislator's term in office, mass mailing of a questionnaire is allowed  
24 only if it is included in the identical newsletter to constituents  
25 permitted at the beginning of a legislative session under RCW  
26 42.17.132.

27 In any year in which a legislator is a candidate for another public  
28 office, no questionnaire may be sponsored by or on behalf of such  
29 legislator during the period between June 1st and the general election  
30 day of that year or, in the event of a special election, no  
31 questionnaire may be sponsored by or on behalf of such legislator  
32 during the period between either sixty days prior to the election or  
33 the date of the filing of the legislator for the office subject to  
34 special election, whichever occurs last, and the special election.

1 A legislative committee may authorize a questionnaire at any time  
2 if the questionnaire conforms to subsections (1), (2), and (4) of this  
3 rule; and

4 (4) The questionnaire complies with all other pertinent laws and  
5 rules.

6 **Study of Separation of Legislative from Electoral Activities**

7 **Rule 9.** The executive rules committee of the house of  
8 representatives and the facilities and operations committee of the  
9 senate shall cause a joint study to be undertaken and completed prior  
10 to December 31, 1993, bearing on the separation of legislative from  
11 electoral activities, including:

12 Section 1. Prohibiting legislative employees from recruiting or  
13 campaigning for legislative candidates.

14 Section 2. Preventing benefits from being paid to employees on  
15 leave without pay for purposes of campaigning.

16 Section 3. Removing the block-out of the last four digits for  
17 members' telephone records.

18 Section 4. Reviewing all partisan staff positions to determine  
19 which require partisan affiliation and which should be converted to  
20 nonpartisan.

21 Section 5. Reviewing whether additional or more specific  
22 disciplinary procedures are required for violations of the Joint  
23 Standards of Conduct Regarding Use of Public Facilities.

24 Section 6. Reviewing the appropriate employment status of  
25 legislative employees who become candidates for legislative or state-  
26 wide elective office.

27 **Sessions of the Legislature**

28 **Rule 10.** The sessions of the legislature shall be held annually,  
29 convening at 12:00 o'clock noon on the second Monday of January each  
30 year, as provided by RCW 44.04.010 in accordance with Art. 2, section  
31 12 of the state Constitution.



1

**Joint Session**

2       **Rule 11.**       Whenever there shall be a joint session of the two  
3 houses, the proceedings shall be entered at length upon the journal of  
4 each house. The lieutenant governor or president of the senate shall  
5 preside over such joint session, and the clerk of the house shall act  
6 as the clerk thereof, except in the case of the joint session held for  
7 the purpose of canvassing the votes of constitutional elective state  
8 officers, when the speaker shall preside over such joint sessions. The  
9 lieutenant governor in no case shall have the right to give the  
10 deciding vote.

11

**Motions for Joint Session**

12       **Rule 12.**       All motions for a joint session shall be made by  
13 concurrent resolution to be introduced by the house in which such joint  
14 session is to be held; and when an agreement has once been made, it  
15 shall not be altered or annulled, except by concurrent resolution.

16

**Business Limited**

17       **Rule 13.**       No business shall be considered in joint session other  
18 than that which may be agreed upon before the joint session is called.

19

**Joint Legislative Committees**

20       **Rule 14.**       Joint legislative committees may be created by  
21 concurrent resolution originating in either house and passed by a  
22 majority vote of both houses.

23       Joint legislative committees may have the powers of subpoena, the  
24 power to administer oaths, and the power to issue commissions for the  
25 examination of witnesses in accordance with the provisions of chapter  
26 44.16 RCW. Before a joint legislative committee may issue any process,  
27 the committee chairperson shall submit for approval of both the  
28 executive rules committee of the house of representatives and the rules

1 committee of the senate, a statement of purpose setting forth the name  
2 or names of those subject to process. The process shall not be issued  
3 prior to approval by both the executive rules committee of the house of  
4 representatives and the rules committee of the senate. The process  
5 shall be limited to the named individuals.

6 **Joint Committee Hearings**

7 **Rule 15.** All public hearings held by joint committees or held  
8 jointly by house of representatives and senate standing committees  
9 shall be scheduled in accordance with the public notice requirements of  
10 both the senate and the house of representatives.

11 **Joint and Concurrent Resolutions; Memorials**

12 **Rule 16.** All memorials and resolutions from the legislature  
13 addressed to the President of the United States, to the Congress or  
14 either house thereof, to any other branch of the Federal government, to  
15 any other branch of state government, or to any unit of local  
16 government shall be in the form of joint memorials. Proposed  
17 amendments to the state Constitution shall be in the form of joint  
18 resolutions. Business between the two houses such as joint sessions,  
19 amendments to redistricting plans submitted by a redistricting  
20 commission created under chapter 44.05 RCW, adopting or amending joint  
21 rules, creating or empowering joint committees, opening and closing  
22 business of the legislature and all such related matters shall be in  
23 the form of concurrent resolutions. Joint memorials, joint  
24 resolutions, and concurrent resolutions, up to and including the  
25 signing thereof by the presiding officer of each house, shall be  
26 subject to the rules governing the course of bills. Concurrent  
27 resolutions may be adopted without a roll call. Concurrent resolutions  
28 amending a redistricting plan submitted by a redistricting commission,  
29 authorizing investigations or authorizing the expenditure or allocation  
30 of any money or relating to any joint committee must be adopted by roll  
31 call, and the yeas and nays recorded in the journal. Concurrent  
32 resolutions amending a redistricting plan as well as all amendments to

1 those resolutions must be agreed to by two-thirds of the members  
2 elected or appointed to each house.

3 **Amendatory Bills**

4 **Rule 17.** All amendatory bills shall refer to the section or  
5 sections of the official codes and statutes of Washington, and  
6 supplements thereto and to the respective Session Laws, to be amended.

7 **Amendatory Bills, How Drawn**

8 **Rule 18.** Bills introduced in either house intended to amend  
9 existing statutes shall have the words which are amendatory to such  
10 existing statutes underlined. Any matter to be deleted from the  
11 existing statutes shall be indicated by lining out such matter with a  
12 broken line and enclosing the lined out material within double  
13 parentheses, and no bill shall be printed or acted upon until the  
14 provisions of this rule shall have been complied with.

15 New sections need not be underlined but shall be designated "NEW  
16 SECTION." in upper case type and such designation shall be underlined.

17 No bill shall be introduced by title only, and, in the event a bill  
18 is not complete, at least section 1 shall be set forth in full before  
19 the bill may be accepted for introduction.

20 Amendments to bills will be acted upon in the manner provided in  
21 the Rules of the Senate and in the Rules of the House. No amendment to  
22 a bill shall be considered which strikes the entire subject matter of  
23 a bill, and substitutes in lieu thereof entirely new subject matter not  
24 germane to the original or engrossed bill.

25 **Amendments to State Constitution; Action by Legislature**

26 **Rule 19.** Amendments to the state Constitution may be proposed in  
27 either branch of the legislature by joint resolution; and if the same  
28 shall be agreed to by two-thirds of the members elected to each of the

1 two houses, such proposed amendment or amendments shall be entered on  
2 their respective journals with the ayes and nays thereon. (Const.,  
3 art. 23, sec. 1.)

4 **Publicity of Proposed Amendments to State Constitution**

5 **Rule 20.** The legislature shall provide methods of publicity of  
6 all laws or parts of laws, and amendments to the Constitution referred  
7 to the people with arguments for and against the laws and amendments so  
8 referred, so that each voter of the state shall receive the publication  
9 as soon as possible before the election at which they are to be voted  
10 upon. (Const., art. 2, sec. 1e.)

11 **Initiative Petition Before the Legislature**

12 **Rule 21.** Initiative petitions filed with the secretary of state  
13 not less than ten days before any regular session of the legislature  
14 shall take precedence over all other measures in the legislature except  
15 appropriation bills and shall be either enacted or rejected without  
16 change or amendment by the legislature before the end of such regular  
17 session. Upon certification from the secretary of state that an  
18 initiative to the legislature has received sufficient valid signatures,  
19 the secretary of state shall submit certified copies of the said  
20 initiative to the state senate and the house of representatives. Upon  
21 receipt of said initiative, each body of the legislature through its  
22 presiding officers shall refer the certified copies of the initiative  
23 to a proper committee.

24 Upon receipt of a committee report on an initiative to the  
25 legislature, each house shall treat the measure in the same manner as  
26 bills, memorials and resolutions, except that initiatives cannot be  
27 placed on the calendar for amendment. After the action of each body  
28 has been recorded on the final passage or any other action by  
29 resolution or otherwise which may refer the initiative to the people  
30 has been recorded, the president and secretary of the senate and the  
31 speaker and chief clerk of the house will certify, each for its own

1 body, to the secretary of state the action taken. (Const., art. 2,  
2 sec. 1a.)

3 **Conference Committee**

4 **Rule 22. Section 1.** In every case of difference between the two  
5 houses, upon any subject of legislation, either house may request a  
6 conference and appoint a committee of three for that purpose, and the  
7 other house may grant the request for a conference and appoint a like  
8 committee to confer. The committees, at the earliest possible hour,  
9 shall confer upon the differences between the two houses indicated by  
10 the amendment or amendments adopted in one house and rejected in the  
11 other.

12 Section 2. Conference committee deliberations shall be conducted  
13 in a manner consistent with the provisions of Senate Rule 45(3) and  
14 House Rule 24(8) applicable to deliberations of standing committees.

15 Section 3. Public notice of a conference committee meeting shall  
16 be given by the secretary of the senate, for house bills, and the chief  
17 clerk of the house of representatives, for senate bills, prior to the  
18 convening of the meeting as follows:

19 (1) By posting a written notice in the following locations:

20 (a) The office of the secretary or clerk, as appropriate;

21 (b) Near the doors of the appropriate chamber;

22 (c) The legislative bill room; or

23 (d) The public legislative message center.

24 (2) By announcing meetings during sessions of the senate and  
25 house of representatives; or

26 (3) By posting meeting notices on the legislature's electronic  
27 mail system.

28 **Section 4.** The papers shall be left with the conferees of the  
29 house if a senate bill, and with the conferees of the senate, if a  
30 house bill, and the holders of the papers shall first present the  
31 report of the committee to their house. Every report of a conference  
32 committee must have the signatures of ~~((a majority))~~ five of the  
33 conference committee members ~~((of each house))~~. Conference committee  
34 reports must be signed at a meeting duly convened by the chief clerk of

1 the house for senate bills or the secretary of the senate for house  
2 bills.

3 **Conference Committee Appointees**

4 **Rule 23.** The presiding officer of each house shall appoint on  
5 each conference committee three members, selecting them so as to  
6 represent, in each case, the majority and minority positions to the  
7 extent possible as relates to the subject matter, and the majority and  
8 minority political parties.

9 **Failure to Agree**

10 **Rule 24.** In case of failure of the conferees to agree on matters  
11 directly at issue between the two houses, the committee may in addition  
12 consider new proposed items within the scope and object of the bill in  
13 conference. A report proposing new items shall include all amendments  
14 to the bill or resolution agreed upon by the conference committee. The  
15 proposed report may be in the form of a new bill or resolution and such  
16 report must have the signatures of five of the members of the committee  
17 appointed from each house.

18 **Report of Conference Committee, How**  
19 **Made Out; Whom Returned to**

20 **Rule 25.** The conference committee shall submit the bill as  
21 amended together with three signed copies of its report to the house if  
22 a senate bill, and to the senate, if a house bill. A copy of the  
23 report shall be placed upon the desk of each member of the legislature  
24 at the time the report is received by this house. If this house acts  
25 to approve the report and pass the bill as amended, it shall then  
26 transmit its action, the bill, and two copies of the report to the  
27 other house.



1

**Bills to be Engrossed**

2       **Rule 28.**     Any bill amended in the house of its origin shall be  
3 engrossed before being transmitted to the other house. The secretary  
4 or clerk of the receiving house, as the case may be, may waive the  
5 right to receive an engrossed bill.

6

**Final Action on Bills, How Communicated**

7       **Rule 29.**     Each house shall communicate its final action on any  
8 bill or resolution, or matter in which the other may be interested, in  
9 writing, signed by the secretary or clerk of the house from which such  
10 notice is sent.

11

**Enrolled Bills - Presiding Officer to Sign**

12       **Rule 30.**     After a bill shall have passed both houses and all  
13 amendments have been engrossed therein, it shall be signed by the  
14 presiding officer of each house in open session, first in the house in  
15 which it originated. The secretary of the senate or the chief clerk of  
16 the house shall present the original bill to the governor for  
17 signature.

18

**Disposition of Enrolled Bills**

19       **Rule 31.**     Whenever any bill shall have passed both houses, the  
20 house transmitting the bill in its final form to the governor shall  
21 also file with the secretary of state a copy of the bill together with  
22 the history of such bill up to the time of transmission to the  
23 governor.

24

**Adjournment**





1       (4)     The chief clerk of the house and the secretary of the senate  
2 shall conduct the vote on the resolution by written ballot of the  
3 members of their respective houses under such procedures as may be  
4 ordered by the committee on rules of their house. The results of such  
5 vote shall be transmitted to the members of the legislature and shall  
6 be a public record and shall be entered upon the journal of the house  
7 and senate at the convening of the next legislative session.

8       (5)     If two-thirds of the members elected or appointed to each  
9 house vote in favor of the resolution, then a special legislative  
10 session shall be convened in accordance with the resolution. (Const.,  
11 art. 2, sec. 12.)

12

#### **Amendments to Joint Rules**

13       **Rule 36.**     These joint rules may be amended by concurrent  
14 resolution agreed to by a majority of the members of each house,  
15 provided one day's notice be given of the motion thereof.

16

#### **Joint Rules to Apply for Biennium**

17       **Rule 37.**     The permanent joint rules adopted by the legislature  
18 shall govern any session called during the same legislative biennium.

--- END ---