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#### SENATE CONCURRENT RESOLUTION 8400

State of Washington 61st Legislature 2009 Regular Session

By Senators Murray and Parlette

1 BE IT RESOLVED, By the Senate of the state of Washington, the House 2. of Representatives concurring, That the following be adopted as the 3 Joint Rules of the Sixty-First Legislature: 4 JOINT RULES 5 6 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES 7 8 SIXTY-FIRST LEGISLATURE 9 10 2009 11 12 JOINT RULE NO. 13 Rule 1 Ethics. 14 Rule 2 Prohibited political activity. 15 Rule 3 Employee protection. Rule 4 Legislative questionnaires. 16 Sessions of the legislature. 17 Rule 5 Joint session. 18 Rule 6

p. 1 SCR 8400

Motions for joint session. 1 Rule 7 2 Rule 8 Business limited. 3 Rule 9 Joint legislative committees. 4 Rule 10 Joint committee hearings. Joint and concurrent resolutions: 5 Rule 11 Memorials. Rule 12 Amendatory bills. 6 7 Rule 13 Bills, how drawn. Amendments to state Constitution: Action by 8 Rule 14 9 legislature. 10 Rule 15 Publicity of proposed amendments to state Constitution. 11 Rule 16 Initiative petition before the legislature. 12 Rule 17 Conference committee. 13 Rule 18 Failure to agree. 14 Rule 19 Report of conference committee, how made out; whom returned to. 15 Rule 16 20 Adoption of reports. 17 Rule 21 Messages between the two houses. Rule 22 Bills to be engrossed. 18 19 Rule 23 Final action on bills, how communicated. Enrolled bills--Presiding officer to sign. 20 Rule 24 21 Rule 25 Disposition of enrolled bills 22 Rule 26 Adjournment. 23 27 Adjournment sine die. Rule 24 Rule 28 Each house judge of its own membership. 25 Rule 29 Convening special legislative sessions. 26 Rule 30 Amendments to joint rules. 27 Rule 31 Joint rules to apply for biennium.

28 Ethics

Rule 1. Legislators and legislative employees are subject to the provisions of the Ethics in Public Service Act, chapter 42.52 RCW. The house of representatives and senate may impose disciplinary action for violations of the act. Disciplinary actions for violation include: In the case of a legislator, reprimand, censure, or expulsion, and when

- 1 applicable, restitution; and in the case of a legislative employee,
- 2 reprimand, suspension, or dismissal, and when applicable, restitution.

# Prohibited Political Activity

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- 4 Rule 2. (1) A legislator shall not knowingly solicit, directly or indirectly, a political contribution from a legislative employee.
- 6 (2) A legislative employee shall not knowingly solicit or accept contributions for any candidate or political committee during working 7 hours. At no time shall a legislative employee directly or indirectly 8 9 solicit a contribution from another legislative employee for any 10 legislative candidate, caucus political committee, or leadership 11 political committee, nor coerce another employee into making a contribution to any candidate or political committee. No legislative 12 13 employee, as a condition of becoming or remaining employed, may 14 directly or indirectly be required to make any contribution to a 15 political candidate, committee, or party.

# 16 Employee Protection

17 **Rule 3.** No retaliation shall be permitted against any legislative 18 employee for reporting in good faith the violation of any policy or 19 law.

## Legislative Questionnaires

- Rule 4. (1) The use of public funds by a legislator for questionnaires distributed by regular mail or electronic means is authorized only if the following criteria are met:
- 24 (a) The questionnaire is limited to soliciting opinions or facts 25 relating to legislative issues or studies;

p. 3 SCR 8400

(b) The questionnaire is specifically authorized by the legislator and the identity of the legislator sponsoring the questionnaire is disclosed on the questionnaire; and

- (c) The questionnaire complies with all other pertinent statutes, rules, and policies, including the restrictions in subsection (2) of this rule on when questionnaires can be mailed.
- (2)(a) During the twelve-month period beginning on December 1st of the year before a general election for a legislator's election to office and continuing through November 30th immediately after, mass mailing by regular or electronic means of a questionnaire is allowed only if it is included in the identical newsletter to constituents permitted at the beginning of a legislative session under RCW 42.52.185.
- (b) In any year in which a legislator is a candidate for another public office, no questionnaire may be sponsored by or authorized on behalf of such legislator during the period between June 1st and the general election of that year, or in the event of a special election, during the period between sixty days before the election or the date of the legislator's filing for the office, whichever occurs later, and the special election.
- (3) The use of public funds by a legislative committee, for questionnaires distributed by regular mail or electronic means, is authorized only if the following criteria are met:
- (a) The questionnaire is limited to soliciting opinions or facts relating to legislative issues or studies;
- (b) The questionnaire is authorized by the committee membership and the identity of the committee sponsoring the questionnaire is disclosed on the questionnaire;
- 29 (c) The questionnaire complies with all other pertinent statutes, 30 rules, and policies; and
- 31 (d) The questionnaire is approved by the secretary of the senate or 32 the chief clerk of the house of representatives, as appropriate.

## Sessions of the Legislature

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Rule 5. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with Art. 2, section 12 of the state Constitution.

## 5 Joint Session

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

## Motions for Joint Session

Rule 7. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

## 20 Business Limited

21 **Rule 8.** No business shall be considered in joint session other 22 than that which may be agreed upon before the joint session is called.

## Joint Legislative Committees

p. 5 SCR 8400

Rule 9. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses.

Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall submit for approval of both the executive rules committee of the house of representatives and the rules committee of the senate, a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by both the executive rules committee of the house of representatives and the rules committee of the senate. The process shall be limited to the named individuals.

## Joint Committee Hearings

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

# Joint and Concurrent Resolutions; Memorials

Rule 11. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, to any other branch of the Federal government, to any other branch of state government, or to any unit of local government shall be in the form of joint memorials. Proposed amendments to the state Constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, amendments to redistricting plans submitted by a redistricting commission created under chapter 44.05 RCW, adopting or amending joint

rules, creating or empowering joint committees, opening and closing 1 2 business of the legislature and all such related matters shall be in form of concurrent resolutions. Joint 3 memorials, 4 resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be 5 6 subject to the rules governing the course of bills. Concurrent resolutions may be adopted without a roll call. Concurrent resolutions 7 8 amending a redistricting plan submitted by a redistricting commission, 9 authorizing investigations or authorizing the expenditure or allocation 10 of any money must be adopted by roll call, and the yeas and nays 11 recorded the journal. Concurrent resolutions in 12 redistricting plan as well as all amendments to those resolutions must 13 be agreed to by two-thirds of the members elected or appointed to each 14 house.

# Amendatory Bills

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Rule 12. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

## Bills, How Drawn

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

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

Sections of a bill that repeal a prior enactment shall include the

p. 7 SCR 8400

1 section caption accompanying the section in the Revised Code of 2 Washington.

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

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

## Amendments to State Constitution; Action by Legislature

Rule 14. Amendments to the state Constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the ayes and nays thereon. (Const., art. 23, sec. 1.)

# Publicity of Proposed Amendments to State Constitution

Rule 15. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. le.)

## Initiative Petition Before the Legislature

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

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment. After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house of representatives will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

## Conference Committee

Rule 17. (1) In every case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee for that purpose, and the other house may grant the request for a conference and appoint a committee to confer. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions to the extent possible as relates to the subject matter, and the majority and minority caucuses. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other.

p. 9 SCR 8400

- (2) Conference committee deliberations shall be conducted in a manner consistent with the provisions of Senate Rule 45(3) and House Rule 24(D)(8) applicable to deliberations of standing committees.
- (3) Public notice of a conference committee meeting shall be given by the secretary of the senate, for house bills, and the chief clerk of the house of representatives, for senate bills, prior to the convening of the meeting as follows:
  - (a) By posting a written notice in the following locations:
- (i) The office of the secretary or clerk, as appropriate;
  - (ii) Near the doors of the appropriate chamber;
- 11 (iii) The legislative bill room; or

- (iv) The public legislative message center;
- 13 (b) By announcing meetings during sessions of the senate and house 14 of representatives; or
- 15 (c) By posting meeting notices on the legislature's electronic mail system.
  - (4) The papers shall be left with the conferees of the house of representatives if a senate bill, and with the conferees of the senate, if a house bill, and the holders of the papers shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house of representatives for senate bills or the secretary of the senate for house bills.

#### Failure to Agree

Rule 18. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the bill in conference. A report proposing new items shall include all amendments to the bill or resolution agreed upon by the conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

# Report of Conference Committee, How Made Out; Whom Returned to

Rule 19. The conference committee shall submit the bill as amended together with three signed copies of its report to the house of representatives if a senate bill, and to the senate, if a house bill. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house. 

## Adoption of Reports

Rule 20. No floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes, and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions. The clerk and the secretary shall place the reports on the desks of the members as soon as possible.

Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house of representatives and the secretary of the senate, and by distribution to the desks of the members before considering reports from a conference committee which has proposed new items within the scope and object of the bill in conference.

The foregoing provision relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend this provision.

The report must be voted upon in its entirety and cannot be amended. The report of a conference committee may be adopted by acclamation.

p. 11 SCR 8400

Passage of a bill as amended by conference report shall be by roll call and ayes and nays shall be entered on the journals of the respective house. Passage requires a constitutional majority in both houses, except in the case of constitutional amendments, which require a two-thirds vote.

#### Messages Between the Two Houses

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Rule 21. Messages from the senate to the house of representatives shall be delivered by the secretary or the secretary's designee, and messages from the house of representatives to the senate shall be delivered by the chief clerk or the chief clerk's designee.

## Bills to be Engrossed

Rule 22. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

#### Final Action on Bills, How Communicated

Rule 23. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

## Enrolled Bills - Presiding Officer to Sign

Rule 24. After a bill shall have passed both houses and all amendments have been engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in

- 1 which it originated. The secretary of the senate or the chief clerk of
- 2 the house of representatives shall present the original bill to the
- 3 governor for signature.

## 4 Disposition of Enrolled Bills

Rule 25. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

## 10 Adjournment

- Rule 26. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)
- 14 Adjournment Sine Die
- Rule 27. Adjournment sine die shall be made only by concurrent resolution.
- 17 Each House Judge of Its Own Membership
- 18 **Rule 28.** Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art.
- 21 2, sec. 8.)
- 22 Convening Special Legislative Sessions

p. 13 SCR 8400

Rule 29. The legislature may convene a special legislative session as follows:

- (1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed thirty days, together with the purpose or purposes for which such session is called. Members of the house of representatives or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.
- (2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.
- (3) Upon a majority vote of both the committee on rules of the house of representatives and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house of representatives and senate shall be taken on such resolution.
- (4) The chief clerk of the house of representatives and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house of representatives and senate at the convening of the next legislative session.
- (5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12.)

## Amendments to Joint Rules

Rule 30. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

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p. 15 SCR 8400