

FIFTY NINTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 2, 2005

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrea Spake and David Waingrow. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Deborah Heathcock, Episcopal Diocese of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Lovick presiding) introduced McKenzie Klein, Washington State Dairy Ambassador who addressed the Chamber, and the alternate ambassadors Kristen Irving and Laura Nelson.

INTRODUCTION & FIRST READING

HB 1645 by Representatives B. Sullivan, Holmquist, Upthegrove, Dickerson, Blake, Kristiansen, Linville, Lantz, Morris, Orcutt, Lovick, Campbell, Chase, Nixon, Williams, Wood, Schual-Berke, Ormsby, Rodne, Sells, Hinkle, Simpson, Kagi, Schindler, Morrell, Kenney, P. Sullivan, Clibborn, Tom, Cody, O'Brien and Kilmer

AN ACT Relating to incentives for the use of clean-burning alternative fuels and equipment in student transportation programs; amending RCW 82.38.080; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1686 by Representatives Bailey, Armstrong, Hinkle, Skinner, Clements, Shabro, Roach, Kristiansen, Newhouse, Talcott, Pearson, Strow, Woods, Schindler, Serben, Buck, Ahern and McCune

AN ACT Relating to cost reduction and consumer choice in the health care system; amending RCW 48.21.045, 48.44.023, 48.46.066, 41.05.065, 4.56.250, 7.70.020, 7.70.070, 7.70.100, 4.16.350, 7.70.080, 74.34.200, 4.22.070, and 4.22.015; adding a new section to chapter 48.43 RCW; adding a new section to chapter 4.56 RCW; adding a new section to chapter 7.04 RCW; adding new sections to chapter 7.70 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1687 by Representatives Moeller, Talcott, O'Brien, Ericks, Lovick, Tom, Roberts, Appleton, Kagi, Hunter and Chase

AN ACT Relating to firearms; amending RCW 9.41.047; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1688 by Representatives Cody, Clibborn, Moeller, Sommers, Kenney and Schual-Berke

AN ACT Relating to creating a task force to review health care facilities and services supply issues; adding a new section to chapter 70.38 RCW; adding a new section to chapter 70.37 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Health Care.

HB 1689 by Representatives Cody, Moeller, Appleton, Morrell, Clibborn, Green, Kenney, Murray, Schual-Berke and Chase

AN ACT Relating to dental health services; and amending RCW 18.32.030, 18.32.040, and 48.14.0201.

Referred to Committee on Health Care.

HB 1690 by Representatives Cody and Moeller

AN ACT Relating to the applicability of certain taxes and assessments to state funded health care services; and amending RCW 48.14.0201 and 48.41.090.

Referred to Committee on Finance.

HB 1691 by Representatives Orcutt, Blake, Kretz, DeBolt and Takko

AN ACT Relating to the distribution of revenue generated from state forest lands; and amending RCW 79.64.110.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1692 by Representatives Orcutt, Blake, Kretz, DeBolt, Schindler, Condotta, Buck and Takko

AN ACT Relating to the role of counties in the management of forest land; amending RCW 79.22.100; reenacting and amending RCW 79.22.040; and adding a new chapter to Title 36 RCW.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1693 by Representatives McIntire and Orcutt; by request of Department of Revenue

AN ACT Relating to the high technology business and occupation tax credit; amending RCW 82.04.4452; adding new sections to chapter 82.32 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1694 by Representatives O'Brien, Lovick, Hankins, Ericks, Holmquist, Darneille, Kirby and Moeller

AN ACT Relating to the release of personal information; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government Operations & Accountability.

HB 1695 by Representatives Buri, Kretz, Green, Grant, Newhouse, Blake, DeBolt, Orcutt, Haler, B. Sullivan and Buck

AN ACT Relating to the treatment of the nonresident children of state residents for the purposes of hunting and fishing licenses; and amending RCW 77.08.010.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1696 by Representatives Blake, Buck, Takko, Holmquist, McCune, Condotta, Hinkle and B. Sullivan

AN ACT Relating to enhanced fish and wildlife penalties; amending RCW 77.15.070, 77.15.370, 77.15.380, 77.15.410, 77.15.420, and 77.15.450; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1697 by Representatives Ericksen, DeBolt and Schindler

AN ACT Relating to provisional driver's licenses for persons who fail to prove United States citizenship; amending RCW 46.20.035, 46.20.091, 46.20.105, and 46.20.181; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1698 by Representatives Cody, Bailey, Hinkle and Moeller; by request of Department of Social and Health Services

AN ACT Relating to exempting recipients of medical assistance under Title 74 RCW from independent review determinations; and amending RCW 48.43.535 and 48.43.545.

Referred to Committee on Health Care.

HB 1699 by Representatives Lantz, Priest and Tom

AN ACT Relating to agreements for the purchase and sale of real estate; and amending RCW 64.04.005.

Referred to Committee on Judiciary.

HB 1700 by Representatives Kilmer, Buck, Dunshee and Strow

AN ACT Relating to watercraft recreation; and amending RCW 79A.25.080.

Referred to Committee on Capital Budget.

HB 1701 by Representatives B. Sullivan, Dunshee and Chase

AN ACT Relating to public lands; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1702 by Representatives Cody, Campbell, Moeller, Appleton, Morrell, Green, Conway, Schual-Berke, Simpson, Darneille, Lantz, Kenney, Murray, Ormsby, Chase and Hasegawa

AN ACT Relating to expanding access to health insurance coverage; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.060, and 70.47.080; adding new sections to chapter 70.47 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 50 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1703 by Representatives Jarrett and Sells

AN ACT Relating to fare cards for transportation facilities and services; and amending RCW 63.29.010 and 63.29.020.

Referred to Committee on Finance.

HB 1704 by Representatives Upthegrove, B. Sullivan, McCoy and Chase

AN ACT Relating to the timber land revitalization board; amending RCW 84.33.041, 84.33.051, 84.33.081, 43.84.092, and 79.17.200; reenacting and amending RCW 43.84.092; adding a new chapter to Title 76 RCW; creating a new section; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ecology & Parks.

HB 1705 by Representatives Linville, Ericksen, Morris, Quall, Schual-Berke and Lantz

AN ACT Relating to health care; amending RCW 41.05.013; reenacting and amending RCW 74.09.510 and 74.09.522; and creating new sections.

Referred to Committee on Health Care.

HB 1706 by Representatives Lantz, McCoy, B. Sullivan, Williams, Moeller, Hunt, Murray and Chase

AN ACT Relating to creating the department of archaeology and historic preservation; amending RCW 43.17.020, 27.34.020, 27.34.070, 27.34.230, 27.34.330, 27.34.342, 27.34.344, 27.53.020, 27.53.030, 27.53.070, 27.53.080, and 27.53.095; reenacting and amending RCW 43.17.010; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; repealing RCW 27.34.210, 27.34.310, and 27.34.320; and providing an expiration date.

Referred to Committee on State Government Operations & Accountability.

HB 1707 by Representatives Ormsby, Priest, Fromhold, Cox, P. Sullivan, Jarrett, Kenney, Buri, Ericks, Conway, Quall, Simpson, Lantz, McCoy, Chase, Moeller and Wood

AN ACT Relating to K-12 skill centers; amending RCW 28C.22.010; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1708 by Representatives Lovick, Quall, Dickerson, Cox, Haigh, Kenney, McDermott, O'Brien, Sells, B. Sullivan, Appleton, Simpson, Kagi, Darneille, Morrell, Green, P. Sullivan, Ormsby, McCoy, Chase and Moeller

AN ACT Relating to dropout prevention; amending RCW 28A.175.010 and 28A.655.030; and adding a new section to chapter 28A.175 RCW.

Referred to Committee on Education.

HB 1709 by Representatives Shabro, Talcott, Curtis, DeBolt, Ahern and Tom

AN ACT Relating to educational assessments; amending RCW 28A.230.190, 28A.230.193, 28A.230.195, 28A.230.230, 28A.230.250, and 28A.655.070; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1710 by Representatives Morrell, Clibborn, Cody, Green, Moeller, Appleton and Conway

AN ACT Relating to health care staffing level reporting; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health Care.

HB 1711 by Representatives Wallace, Woods, Simpson, Morrell, Lovick, Flannigan, Chase, Moeller and Kilmer

AN ACT Relating to parking places for persons with disabilities; and amending RCW 46.61.581.

Referred to Committee on Transportation.

HB 1712 by Representatives Woods, McDonald, Hankins, Bailey, Ahern, McCune, Kristiansen, Roach, Holmquist, Pearson, Condotta, Dunn, Linville and Skinner

AN ACT Relating to tuition waivers for veterans of the Persian Gulf combat zone; and amending RCW 28B.15.628.

Referred to Committee on Higher Education.

HB 1713 by Representatives Woods, Grant, Sump and Haler

AN ACT Relating to water appropriation applications for a domestic water supply to fourteen or fewer service connections; amending RCW 90.03.260; and reenacting and amending RCW 90.14.140.

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1714 by Representatives McDermott, Tom, Cody, Clibborn, Schual-Berke, Jarrett, Hunt, Morrell, Hankins, Wood, Quall, Miloscia, Moeller, Murray, Chase, Flannigan, Green, Dunshee, Dickerson, Darneille, Kenney, Roberts, B. Sullivan, Hunter, Sommers, Pettigrew, Lantz, Haler, Simpson, McIntire, Williams, Kagi, Takko and P. Sullivan

AN ACT Relating to prohibiting smoking in public places; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, 70.160.070, and 70.160.080; repealing RCW 70.160.040 and 70.160.060; and prescribing penalties.

Referred to Committee on Health Care.

HB 1715 by Representatives Fromhold, Jarrett, Wallace, Conway and Moeller

AN ACT Relating to maintenance and repair of electrical appliances by a public utility district that provides electrical service; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1716 by Representatives Roach and Kirby

AN ACT Relating to underinsured motorist property damage waivers; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1717 by Representatives McDermott and Nixon

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on State Government Operations & Accountability.

HB 1718 by Representatives Dickerson, Woods, Sommers, Dunshee, Cody, Pettigrew, Jarrett, McDermott and Kenney

AN ACT Relating to city monorail transportation authorities; amending RCW 35.95A.050, 35.95A.110, 39.36.030, 35.95A.070, 35.95A.130, 82.44.065, and 82.44.120; adding new sections to chapter 35.95A RCW; adding a new section to chapter 46.16 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

HB 1719 by Representatives P. Sullivan, Cox, Hunt, Simpson and Williams

AN ACT Relating to school district bidding requirements; and amending RCW 28A.335.190 and 28A.525.020.

Referred to Committee on State Government Operations & Accountability.

HB 1720 by Representatives Linville, Hunt, Strow, Ormsby and Quall

AN ACT Relating to defining supervisor for public employment purposes; and amending RCW 41.80.005.

Referred to Committee on Commerce & Labor.

HB 1721 by Representatives Hunter, Orcutt and McIntire

AN ACT Relating to simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state; amending RCW 82.14.030, 82.14.040, and 82.14.060; reenacting and amending RCW 82.14.050; adding a new section to chapter 82.14 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1722 by Representatives Grant, Newhouse, Linville, Buri, Clements, Walsh, Haler and Skinner

AN ACT Relating to standards and grades for fruits and vegetables; and amending 2004 c 211 s 2 (uncodified).

Referred to Committee on Economic Development, Agriculture & Trade.

HB 1723 by Representatives Hunter, Orcutt, Linville, Fromhold, Tom and Ericks

AN ACT Relating to modifying the high technology business and occupation tax credit to 1.5 percent; amending RCW 82.04.4452; adding a new section to chapter 82.32 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1724 by Representatives Conway, Hudgins, Wood, Appleton, Ormsby, Simpson, Morrell, Williams, Kenney, Kirby, Kagi, Cody, Schual-Berke, McCoy, Chase, Sells, Clibborn, O'Brien, Hunt, Hasegawa, Moeller and P. Sullivan

AN ACT Relating to requiring disclosure of work under state contracts that is performed at locations outside the United States; amending RCW 39.29.008, 41.06.142, and 43.19.1911; adding new sections to chapter 39.29 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1725 by Representatives Conway, Green, Hudgins, Wood, Appleton, Ormsby, Simpson, Darneille, Morrell, Williams, Kenney, Kirby, Kagi, Cody, McCoy, Chase, Sells, O'Brien, Hunt, Hasegawa, Moeller, Roberts and P. Sullivan

AN ACT Relating to prohibiting the offshoring of work under state contracts; amending RCW 39.29.008, 41.06.142, and 43.19.1911; adding a new section to chapter 39.29 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HJM 4009 by Representatives Ormsby, Dunn, Miloscia, Jarrett, Pettigrew, Flannigan, Springer, Morrell, Sells, O'Brien, Conway, Priest, Simpson, Kagi, Darneille, Lantz, Kenney, Clibborn, Cody, Schual-Berke, Chase, Hasegawa and Wood

Requesting that Section 8 housing assistance be maintained.

Referred to Committee on Housing.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 1, 2005

HB 1262 Prime Sponsor, Representative Takko: Limiting compensation for part-time judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 1, 2005

HB 1294 Prime Sponsor, Representative Williams: Revising standards for antiharassment protection order hearings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 1, 2005

HB 1296 Prime Sponsor, Representative Lovick: Granting the municipal courts jurisdiction for antiharassment protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 1, 2005

HB 1297 Prime Sponsor, Representative Williams: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

February 1, 2005

HJR 4201 Prime Sponsor, Representative Williams: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Flannigan, Vice Chairman; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby; Serben; Springer; Williams and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE BILL NO. 1064, By Representatives Miloscia, Nixon, Haigh, Shabro, Green, Hunt, Priest, Linville, Armstrong, Simpson, Bailey, Kenney, Haler, Springer, Chase, Quall, Murray, Wallace, McDermott, Upthegrove, Kilmer, Moeller, Kessler, Appleton, Williams, McCoy, Blake, Dickerson, Conway, Tom, P. Sullivan, Kagi, Morris, Wood, McIntire, Lantz, Hudgins, Ericks, Darneille, Clibborn, Morrell, Takko, O'Brien, Ormsby, McDonald and B. Sullivan

Improving government performance and accountability.

The bill was read the second time. There being no objection, Substitute House Bill No. 1064 was substituted for House Bill No. 1064 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1064 was read the second time.

With the consent of the House, amendment (006) was withdrawn.

Representative Haigh moved the adoption of amendment (007):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) Citizens demand and deserve accountability of public programs. Public programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;
- (2) Washington state government and other entities that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars;
- (3) An independent citizen advisory board is necessary to ensure that government services, customer satisfaction, program efficiency, and management systems are world class in performance; and
- (4) Fair, independent, professional performance audits of state agencies by the state auditor are essential to improving the efficiency and effectiveness of government.

NEW SECTION. Sec. 2. A new section is added to chapter 43.09 RCW to read as follows:

For purposes of sections 3 through 8 of this act:

- (1) "Board" means the citizen advisory board created in section 3 of this act.
- (2) "Draft work plan" means the work plan for conducting performance audits of state agencies proposed by the board and state auditor after the statewide performance review.
- (3) "Final performance audit report" means a written document jointly released by the citizen advisory board and the state auditor that includes the findings and comments from the preliminary performance audit report.
- (4) "Final work plan" means the work plan for conducting performance audits of state agencies adopted by the board and state auditor.
- (5) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.
- (6) "Preliminary performance audit report" means a written document prepared after the completion of a performance audit to be submitted for comment before the final performance audit report. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the state agency being audited.

(7) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all offices of executive branch state government elected officials.

NEW SECTION. Sec. 3. A new section is added to chapter 43.09 RCW to read as follows:

(1) The citizen advisory board is created to improve efficiency, effectiveness, and accountability in state government.

(2) The board shall consist of ten members as follows:

(a) One member shall be the state auditor, who shall be a nonvoting member;

(b) One member shall be the legislative auditor, who shall be a nonvoting member;

(c) One member shall be the director of the office of financial management, who shall be a nonvoting member;

(d) Four of the members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature or employees of the state. The governor shall select a person from each list provided by each caucus; and

(e) The governor shall select three citizen members who are not state employees.

(3) The board shall elect a chair. The legislative auditor, the state auditor, and the director of the office of financial management may not serve as chair.

(4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.

(5) Members selected under subsection (2)(d) and (e) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The joint legislative audit and review committee shall provide clerical, technical, and management personnel to the board to serve as the board's staff.

(7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board.

(8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. A new section is added to chapter 43.09 RCW to read as follows:

The board shall establish an annual assessment and performance grading program. The program shall consist of conducting annual performance assessments and grading state agency performance. Assessments shall be implemented on a phased-in schedule. Initial areas to be assessed shall include quality management, productivity and fiscal efficiency, program effectiveness, contract management and oversight, internal audit, internal and external customer satisfaction, statutory and regulatory compliance, and technology systems and on-line services. As part of this program, the board shall:

(1) Consult with and seek input from elected officials, state employees including frontline employees, and professionals with a background in performance management for establishing the grading standards. In developing the criteria, the board shall consider already developed best practices and audit criteria used by government or nongovernment organizations. Before the assessment, the agencies shall be given the criteria for the assessment and the standards for grading;

(2) Contract or partner with public or private entities that have expertise in public sector reviews and/or technical expertise in individual assessment areas to perform the assessments and grading of all state agencies. The board may contract or partner with more than one entity for different assessment areas; and

(3) Submit the results of the assessment and grading program to the governor, the office of financial management, appropriate legislative committees, and the public by December 15th of each year. The results of the annual assessments and performance grading shall be posted on the internet.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.09 RCW to read as follows:

(1) The board and the state auditor shall work together regarding performance audits of state government.

(a) The board shall establish criteria for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies and the legislature. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(b) Using the criteria developed in (a) of this subsection, the state auditor shall contract for a statewide performance review to be completed within one year of contracting as a preliminary to a draft work plan for conducting performance audits. The board and the state auditor shall develop a schedule and common methodology for conducting these reviews.

(c) The board and the state auditor shall develop the draft work plan for performance audits based on input from citizens, state employees, including front line employees, state managers, chairs and ranking members of appropriate legislative committees, the joint legislative audit and review committee, public officials, and others. The draft work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the board and the state auditor based on a number of factors including risk, importance, and citizen concerns. When putting together the draft work plan, there should be consideration of all audits and reports already required. On average, audits shall be designed to be completed within a six-month period.

(d) Before adopting the final work plan, the board shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government agencies. The board shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing. The final work plan must be agreed upon by the board and the state auditor.

(e) The state auditor shall contract out for performance audits. In conducting the audits, agency front-line employees and internal auditors should be involved.

(f) All audits must include consideration of reports prepared by other government oversight entities.

(g) The audits may include:

(i) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(ii) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(iii) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(iv) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;

(v) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(vi) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;

(vii) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(viii) Identification of potential cost savings in the state agency, its programs, and its services;

(ix) Identification and recognition of best practices;

(x) Evaluation of planning, budgeting, and program evaluation policies and practices;

(xi) Evaluation of personnel systems operation and management;

(xii) Evaluation of state purchasing operations and management policies and practices; and

(xiii) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(h) The state auditor must solicit comments on preliminary performance audit reports from the audited state agency, the office of the governor, the office of financial management, the board, the chairs and ranking members of appropriate legislative committees, and the joint legislative audit and review committee for comment. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. All comments shall be incorporated into the final performance audit report. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; conclusions; and identification of best practices.

(i) The final performance audit reports shall be submitted to the board and the governor by the state auditor. The board and the state auditor shall jointly release final performance audit reports to the citizens of Washington and the appropriate legislative committees. Final performance audit reports shall be posted on the internet.

(j) For institutions of higher education, the board shall consider the reviews and standards of nationally or regionally recognized accreditation organizations, including accreditations of hospitals licensed under RCW 70.41 and ambulatory care facilities.

(2) The citizen board created under RCW 44.75.030 shall be responsible for performance audits for transportation related agencies as defined under RCW 44.75.020.

NEW SECTION. Sec. 6. A new section is added to chapter 43.09 RCW to read as follows:

If the legislative authority of a local jurisdiction requests a performance audit of programs under its jurisdiction, the state auditor has the discretion to conduct such a review under separate contract and funded by local funds.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

In addition to the authority given the state auditor in RCW 43.88.160(6), the state auditor is authorized to contract for and oversee performance audits pursuant to section 4 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.09 RCW to read as follows:

By June 30, 2007, and each four years thereafter, the joint legislative audit and review committee shall contract with a private entity for a performance audit of the performance audit program established in section 4 of this act and the board's responsibilities under the performance audit program.

NEW SECTION. Sec. 9. A new section is added to chapter 43.09 RCW to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

For agencies under the authority of the governor, the governor may require periodic progress reports from the audited agency until all resolution has occurred.

For agencies under the authority of an elected official other than the governor, the auditor and the board may require periodic reports of the action taken by the audited agency until all resolution has occurred.

The board may request status reports on specific audits or findings.

NEW SECTION. Sec. 10. A new section is added to chapter 2.56 RCW to read as follows:

The office of the administrator for the courts is encouraged to conduct performance audits of courts under the authority of the supreme court, in conformity with criteria and methods developed by the board for

judicial administration that have been approved by the supreme court. In developing criteria and methods for conducting performance audits, the board for judicial administration is encouraged to consider quality improvement programs, audits, and scoring. The judicial branch is encouraged to submit the results of these efforts to the chief justice of the supreme court or his or her designee, and with any other applicable boards or committees established under the authority of the supreme court to oversee government accountability.

NEW SECTION. Sec. 11. Each biennium the legislature shall appropriate an amount equal to two one-hundredths of one percent of the total general fund state appropriation in that biennium's omnibus operating appropriations act for purposes of the performance review, performance audits, and activities of the board authorized by this act.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Armstrong moved the adoption of amendment (008) to amendment (007):

On page 1, beginning on line 18 of the amendment, strike all of sections 2 through section 12 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 43.09 RCW to read as follows:

For purposes of sections 4 through 6 of this act:

- (1) "Board" means the citizen accountability advisory board created in section 4 of this act.
- (2) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of its programs, functions, or activities by an independent auditor in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.
- (3) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government. This includes state agencies and programs as well as those programs and activities that cross agency lines.

NEW SECTION. Sec. 3. A new section is added to chapter 43.09 RCW to read as follows:

The state auditor is authorized to conduct performance audits under the provisions of this act. The auditor may contract for performance audits as the state auditor may determine.

NEW SECTION. Sec. 4. A new section is added to chapter 43.09 RCW to read as follows:

- (1) A citizen accountability advisory board is created to provide advice to the state auditor on performance audits of state government.
- (2) The board shall consist of seven members as follows:
 - (a) One member shall be selected by the state auditor;
 - (b) One member shall be selected by the chair of the joint legislative audit and review committee;
 - (c) Four members shall be selected by the governor as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a person from each list provided by each caucus; and
 - (d) One member shall be selected by the governor.
- (3) The board shall elect a chair.

(4) Appointees shall be individuals who have a basic understanding of state government operations with knowledge and expertise in performance management, quality management, strategic planning, performance assessments, or closely related fields.

(5) Members shall serve for terms of four years, with the terms expiring on June 30th of the fourth year of the term. However, in the case of the initial members, two members shall serve four-year terms, two members shall serve three-year terms, and one member shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(6) The state auditor's office shall provide staff assistance to the board.

(7) The board shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the board. The meetings are subject to the provisions of chapter 42.30 RCW.

(8) The members of the board shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. A new section is added to chapter 43.09 RCW to read as follows:

The board shall establish an annual assessment and performance grading program. The program shall consist of conducting annual performance assessments and grading state agency performance. Assessments shall be implemented on a phased-in schedule. Initial areas to be assessed shall include quality management, productivity and fiscal efficiency, program effectiveness, contract management and oversight, internal audit, internal and external customer satisfaction, statutory and regulatory compliance, and technology systems and online services. As part of this program, the board shall:

(1) Consult with and seek input from elected officials, state employees including front-line employees, and professionals with a background in performance management for establishing the grading standards. In developing the criteria, the board shall consider already developed best practices and audit criteria used by government or nongovernment organizations. Before the assessment, the agencies shall be given the criteria for the assessment and the standards for grading;

(2) Contract or partner with public or private entities that have expertise in public sector reviews and/or technical expertise in individual assessment areas to perform the assessments and grading of all state agencies. The board may contract or partner with more than one entity for different assessment areas; and

(3) Submit the results of the assessment and grading program to the governor, the office of financial management, appropriate legislative committees, and the public by December 15th of each year. The results of the annual assessments and performance grading shall be posted on the internet.

NEW SECTION. Sec. 6. A new section is added to chapter 43.09 RCW to read as follows:

(1) The state auditor shall establish criteria and protocols for performance audits. Agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(2) Using the criteria developed in subsection(1) of this section, the state auditor shall complete a statewide performance review as a preliminary to a work plan for conducting performance audits. The state auditor shall develop a schedule and common methodology for conducting performance audits.

(3) In developing the work plan, the state auditor shall consider input from the board, citizens, state employees, state managers, the joint legislative audit and review committee, public officials, and others. The work plan may include a list of agencies, programs, or systems to be audited on a timeline decided by the state auditor based on a number of factors including risk, importance, and citizen concerns. All audits shall be designed to be completed within a six-month period.

(4) Before adopting the final work plan, the state auditor shall consult with the legislative auditor and other appropriate oversight and audit entities to coordinate work plans and avoid duplication of effort in their planned performance audits of state government. The state auditor shall defer to the joint legislative audit and review committee work plan if a similar audit is included on both work plans for auditing.

(5) In conducting the audits, agency front-line employees and internal auditors should be involved. The audits may include:

- (a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;
- (b) Identification of funding sources to the state agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;
- (c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;
- (d) Analysis and recommendations for pooling information technology systems used within the state agency, and evaluation of information processing and telecommunications policy, organization, and management;
- (e) Analysis of the roles and functions of the state agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;
- (f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions vested in the agency by statute;
- (g) Verification of the reliability and validity of agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;
- (h) Identification of potential cost savings in the state agency, its programs, and its services;
- (i) Identification and recognition of best practices;
- (j) Evaluation of planning, budgeting, and program evaluation policies and practices;
- (k) Evaluation of personnel systems operation and management;
- (l) Evaluation of state purchasing operations and management policies and practices; and
- (m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel.

(6) The state auditor's performance audit work plan shall be updated at least annually.

(7) The state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response; conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the board, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

The audited agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process. The state auditor may request status reports on specific audits or findings.

NEW SECTION. Sec. 8. A new section is added to chapter 43.09 RCW to read as follows:

If a local governmental entity requests a performance audit of its activities, the state auditor has the discretion to conduct such a review under separate contract with the auditor and funded by local funds.

NEW SECTION. Sec. 9. RCW 43.88.160 and 2002 c 260 s 1 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or under-runs. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter the plans, except that for the following agencies no amendment or alteration of the plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized employee years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix the number or the classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than equipment maintenance providers or as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than twelve months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. ~~((The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.))~~

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management.

NEW SECTION. Sec. 10. A new section is added to chapter 41.04 RCW to read as follows:

(1) Each state agency shall, within available funds, develop and implement a quality management program to improve the quality, efficiency, and effectiveness of the public services it provides through business process redesign, employee involvement, and other quality management techniques. Each agency shall ensure that front-line agency employees are engaged in the program and shall provide employees with the training necessary for successful implementation of efforts toward quality improvement.

(2) Each agency shall, within available funds, ensure that its quality management program:

(a) Identifies immediate-term and near-term opportunities to improve services and reduce costs;

(b) Identifies goals and uses strategic business planning and performance measures to establish priorities and measure progress toward meeting them. Each state agency shall develop performance measures to assess customer satisfaction, agency progress toward accomplishing outcomes specified in the agency budget under RCW 43.88.090, and the impact of initiatives instituted under the quality management program as a whole;

(c) Reports the results of its quality management program on a regular basis. Each agency shall ensure that its report specifies improved outcomes for public service and efficiency. Any agency in its report may describe methods of measuring customer and stakeholder satisfaction, of engaging agency employees in the program, and of assessing the extent to which business practices have been changed to improve quality, efficiency, and effectiveness;

(d) Evaluates the results of its quality, service, and management improvement programs and assesses program effects upon leadership, information and analysis, strategic planning, human resource development and management, process improvement, business results, and customer focus and satisfaction; and

(e) Develops a plan for quality improvement, documenting efforts made up to the date of the report and addressing all matters enumerated in this subsection.

(3) State agencies whose chief executives are appointed by the governor shall report program results to the governor on a regular basis. State agencies whose chief executives are elected officials other than the governor shall report program results to the elected official on a regular basis.

(4) Each state agency shall integrate efforts made under this section with quality management programs undertaken under executive order or other authority. The office of the secretary of state, the department of social and health services, and the department of corrections shall develop and implement a complete quality management program by June 30, 2007. The office of insurance commissioner, the department of natural resources, and four-year institutions of higher education shall develop and implement a complete quality management program by June 30, 2008. All other state agencies shall develop and implement a complete quality management program by June 30, 2006.

(5) Starting in 2008 and at least once every three years thereafter, the office of the secretary of state, the department of social and health services, and the department of corrections shall apply for the Washington state quality award, or an equivalent outside quality assessment, for potential recognition. Starting in 2010 and at least once every three years thereafter, the office of insurance commissioner, the department of natural resources, and four-year institutions of higher education, or their subdivisions, or both, shall apply for the Washington state quality award or an equivalent outside quality assessment, for potential recognition. Starting in 2007 and at least once every three years thereafter, all other state agencies or their subdivisions, or both, shall apply for the Washington state quality award or an equivalent outside quality assessment, for potential recognition. Every subdivision of a state agency with three thousand or more full-time equivalent employees must complete an application in each three-year period.

(6) For purposes of this section, "state agency" means those state agencies within the executive branch of government including institutions of higher education.

NEW SECTION. Sec. 11. A new section is added to chapter 44.04 RCW to read as follows:

The senate and the house of representatives shall each develop and implement quality management programs as described under section 10 of this act by June 30, 2007, and shall report the results of these efforts to the leadership of each major political party caucus within its respective chamber.

NEW SECTION. Sec. 12. A new section is added to chapter 2.04 RCW to read as follows:

The supreme court is encouraged to develop and implement quality management programs, as described under section 10 of this act, for the judicial branch of government, by June 30, 2007, and shall report the results of these efforts to the chief justice. The programs may be implemented directly by the supreme court or may be delegated to the administrator for the courts.

NEW SECTION. Sec. 13. A new section is added to chapter 41.04 RCW to read as follows:

(1) Local governments are encouraged to develop and implement quality management programs as described in section 10 of this act.

(2) For purposes of this section, "local government" includes every county, city, town, special district, municipal corporation, and quasimunicipal corporation in the state.

NEW SECTION. **Sec. 14.** A new section is added to chapter 43.09 RCW to read as follows:

Funding for these performance audits shall be equal to two one-hundredths of one percent of the state's total general fund state budget for each biennium."

Correct the title.

Representatives Armstrong spoke in favor of the adoption of the amendment to the amendment.

Representatives Haigh spoke against the adoption of the amendment to the amendment.

An electronic roll call vote was requested.

MOTION

On motion of Representative Santos, Representative McDermott was excused.

With the consent of the House, Representative Campbell was excused.

The Speaker stated the question before the House to be adoption of amendment (008) to amendment (007) to Substitute House Bill No. 1064.

ROLL CALL

The Clerk called the roll on the adoption of amendment (008) to amendment (007) to Substitute House Bill No. 1064, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Cox, Crouse, Curtis, DeBolt, Dunn, Ericksen, Green, Haler, Hankins, Hinkle, Holmquist, Jarrett, Kilmer, Kretz, Kristiansen, McCune, McDonald, Newhouse, Nixon, Orcutt, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Springer, Strow, Sump, Takko, Talcott, Tom, Wallace, Walsh and Woods - 47.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McCoy, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, B. Sullivan, P. Sullivan, Upthegrove, Williams, Wood and Mr. Speaker - 49.

Excused: Representatives Campbell and McDermott - 2.

Representatives Haigh and Armstrong spoke in favor of the adoption of amendment (007).

The amendment was adopted. The bill was ordered engrossed.

Because of the adoption of amendment (007) amendment (009) was ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Miloscia, Nixon, Haigh, Kilmer, Jarrett, Springer, Wallace, Hinkle, Anderson and Hunt spoke in favor of passage of the bill.

Representatives Ericksen, Clements and DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1064.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 74, Nays - 22, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Chandler, Chase, Clibborn, Cody, Conway, Curtis, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, B. Sullivan, P. Sullivan, Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 74.

Voting nay: Representatives Ahern, Alexander, Bailey, Buck, Buri, Clements, Condotta, Cox, Crouse, DeBolt, Dunn, Ericksen, Holmquist, Kretz, Kristiansen, McCune, Pearson, Schindler, Serben, Strow, Sump and Talcott - 22.

Excused: Representatives Campbell and McDermott - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1064, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2005-4612, By Representatives Kessler and Armstrong

BE IT RESOLVED, That permanent House Rules for the Fifty-ninth Legislature be adopted as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES
FIFTY-NINTH LEGISLATURE
2005-2006

HOUSE RULE NO.

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Duties of Employees
- Rule 7** Admission to the House
- Rule 8** Absentees and Courtesy
- Rule 9** Bills, Memorials and Resolutions - Introductions
- Rule 10** Reading of Bills
- Rule 11** Amendments
- Rule 12** Final Passage
- Rule 13** Hour of Meeting, Roll Call and Quorum

Rule 14	Daily Calendar and Order of Business
Rule 15	Motions
Rule 16	Members Right to Debate
Rule 17	Rules of Debate
Rule 18	Ending of Debate - Previous Question
Rule 19	Voting
Rule 20	Reconsideration
Rule 21	Call of the House
Rule 22	Appeal from Decision of Chair
Rule 23	Standing Committees
Rule 24	Duties of Committees
Rule 25	Standing Committees - Expenses - Subpoena Power
Rule 26	Vetoed Bills
Rule 27	Suspension of Compensation
Rule 28	Smoking
Rule 29	Parliamentary Rules
Rule 30	Standing Rules Amendment
Rule 31	Rules to Apply for Assembly
Rule 32	Legislative Mailings
Rule 33	Liquor

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter

provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs from the majority party of the house and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Duties of Employees

Rule 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 7. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;
 Members of the senate;
 State elected officials;
 Officers and authorized employees of the legislature;
 Former members of the house who are not advocating any pending or proposed legislation;
 Representatives of the press;
 Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 8. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any member or member-elect may prefile a bill with the chief clerk commencing twenty (20) days before any session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

Reading of Bills

Rule 10. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) FIRST READING. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) SUBSTITUTE BILLS. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) THIRD READING. Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) SUSPENSION CALENDAR. Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) HOUSE RESOLUTIONS. House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. No more than one resolution per day may be scheduled for consideration by the house except by mutual agreement of the majority leader and minority leader: PROVIDED, That this limit does not apply to resolutions necessary for the operation of the house nor to resolutions scheduled for consideration on pro forma session days.

(G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 11. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 12. Rules relating to bills on final passage are as follows:

(A) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(B) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 13. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 14. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 15. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn
 Adjourn to a time certain
 Recess to a time certain
 Reconsider
 Demand for division
 Question of privilege
 Orders of the day

(2) Subsidiary motions:

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend

(3) Incidental motions:

Points of order and appeal
 Method of consideration
 Suspension of the rules
 Reading papers
 Withdraw a motion
 Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 16. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

Rules of Debate

Rule 17. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion

to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 18. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule 19. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

Reconsideration

Rule 20. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 21. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 22. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 23. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations	29
2. Capital Budget	29
3. Children & Family Services	9
4. Commerce & Labor	7
5. Criminal Justice & Corrections	7
6. Economic Development, Agriculture & Trade	23
7. Education	11
8. Finance	9
9. Financial Institutions & Insurance	11
10. Health Care	15
11. Higher Education	13
12. Housing	9
13. Judiciary	10
14. Juvenile Justice & Family Law	7
15. Local Government	7
16. Natural Resources, Ecology & Parks	11
17. Rules	17
18. State Government, Operations & Accountability	9
19. Technology, Energy & Communications	11
20. Transportation	27

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when

required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage. For purposes of this subsection, fiscal committee means the appropriations, capital budget, finance, and transportation committees.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

Standing Committees - Expenses - Subpoena Power

Rule 25. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house 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 standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee 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 the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule 26. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 27. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 28. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Parliamentary Rules

Rule 29. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 30. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

Rules to Apply for Assembly

Rule 31. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Mailings

Rule 32. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

Liquor

Rule 33. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Armstrong spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4612 was adopted.

There being no objection, the House advanced to the eleventh order of business.

COMMITTEE ASSIGNMENTS

Ahern, John	**Criminal Justice & Corrections; **Local Government; Finance
Alexander, Gary	*Appropriations; Health Care
Anderson, Glenn	**Appropriations; **Education; Rules
Appleton, Sherry	Health Care; Select Committee on Hood Canal; Transportation
Armstrong, Mike	**Rules; Appropriations
Bailey, Barbara	*Health Care; Appropriations
Blake, Brian	Capital Budget; Economic Development, Agriculture & Trade; Natural Resources, Ecology & Parks; Rules
Buck, Jim	*Natural Resources, Ecology & Parks; Transportation
Buri, David	Appropriations; Economic Development, Agriculture & Trade; Higher Education
Campbell, Tom	Health Care; Judiciary; Transportation
Chandler, Bruce	*Rules
Chase, Maralyn	Capital Budget; Economic Development, Agriculture & Trade; Select Committee on Hood Canal
Chopp, Frank	Rules, Chair
Clements, Jim	**State Government Operations & Accountability; Appropriations
Clibborn, Judy	Local Government, Vice Chair; Economic Development, Agriculture & Trade; Health Care; Rules
Cody, Eileen	Health Care, Chair; Appropriations
Condotta, Cary	*Commerce & Labor; Economic Development, Agriculture & Trade; Health Care
Conway, Steve	Commerce & Labor, Chair; Appropriations; Finance
Cox, Don	*Higher Education; Capital Budget
Crouse, Larry	*Technology, Energy & Communications; Commerce & Labor; Juvenile Justice & Family Law
Curtis, Richard	**Health Care; Education; Transportation

Darneille, Jeannie	Criminal Justice & Corrections, Vice Chair; Appropriations; Children & Family Services
DeBolt, Richard	Capital Budget; Natural Resources, Ecology & Parks
Dickerson, Mary Lou	Juvenile Justice & Family Law, Chair; Children & Family Services; Natural Resources, Ecology & Parks; Transportation
Dunn, Jim	**Housing; Children & Family Services; Economic Development, Agriculture & Trade; Higher Education
Dunshee, Hans	Capital Budget, Chair; Appropriations
Eickmeyer, Ike	Select Committee on Hood Canal, Chair; Capital Budget; Natural Resources, Ecology & Parks
Ericks, Mark	Financial Institutions & Insurance, Vice Chair; Capital Budget; Technology, Energy & Communications
Ericksen, Doug	Capital Budget; Finance; Rules; Transportation
Flannigan, Dennis	Judiciary, Vice Chair; Capital Budget; Rules; Transportation
Fromhold, Bill	Appropriations, Vice Chair; Higher Education
Grant, Bill	Appropriations; Economic Development, Agriculture & Trade; Rules
Green, Tami	State Government Operations & Accountability, Vice Chair; Capital Budget; Health Care
Haigh, Kathy	State Government Operations & Accountability, Chair; Appropriations; Education
Haler, Larry	**Technology, Energy & Communications; Children & Family Services; Economic Development, Agriculture & Trade
Hankins, Shirley	**Capital Budget; Transportation
Hasegawa, Bob	Capital Budget; Finance; Higher Education
Hinkle, Bill	*Children & Family Services; Appropriations; Health Care
Holmquist, Janea	*Housing; Capital Budget; Economic Development, Agriculture & Trade
Hudgins, Zack	Commerce & Labor; Rules; Technology, Energy & Communications; Transportation
Hunt, Sam	Natural Resources, Ecology & Parks; Rules; State Government Operations & Accountability
Hunter, Ross	Finance, Vice Chair; Appropriations; Education
Jarrett, Fred	*Capital Budget; Higher Education; Transportation
Kagi, Ruth	Children & Family Services, Chair; Appropriations; Criminal Justice & Corrections
Kenney, Phyllis	Higher Education, Chair; Appropriations; Economic Development, Agriculture & Trade
Kessler, Lynn	Appropriations; Rules
Kilmer, Derek	Technology, Energy & Communications, Vice Chair; Economic Development, Agriculture & Trade; Transportation
Kirby, Steve	Financial Institutions & Insurance, Chair; Criminal Justice & Corrections; Judiciary
Kretz, Joel	**Natural Resources, Ecology & Parks; Capital Budget; Economic Development, Agriculture & Trade
Kristiansen, Dan	*Economic Development, Agriculture & Trade; Capital Budget
Lantz, Patricia	Judiciary, Chair; Capital Budget; Health Care
Linville, Kelli	Economic Development, Agriculture & Trade, Chair; Appropriations
Lovick, John	Juvenile Justice & Family Law; Rules; Transportation
McCoy, John	Select Committee on Hood Canal, Vice Chair; Commerce & Labor; Economic Development, Agriculture & Trade
McCune, Jim	**Juvenile Justice & Family Law; Capital Budget; Housing
McDermott, Joe	Appropriations; Education; State Government Operations & Accountability
McDonald, Joyce	*Juvenile Justice & Family Law; **Appropriations; Rules
McIntire, Jim	Finance, Chair; Appropriations
Miloscia, Mark	Housing, Chair; Appropriations; State Government Operations & Accountability
Moeller, Jim	Juvenile Justice & Family Law, Vice Chair; Capital Budget; Health Care

Morrell, Dawn	Health Care, Vice Chair; Capital Budget; Economic Development, Agriculture & Trade; Rules
Morris, Jeff	Technology, Energy & Communications, Chair; Transportation
Murray, Ed	Transportation, Chair; Capital Budget
Newhouse, Daniel	Capital Budget; Economic Development, Agriculture & Trade; Financial Institutions & Insurance
Nixon, Toby	*State Government Operations & Accountability; Technology, Energy & Communications; Transportation
O'Brien, Al	Criminal Justice & Corrections, Chair; Capital Budget
Orcutt, Ed	*Finance; Natural Resources, Ecology & Parks
Ormsby, Timm	Capital Budget, Vice Chair; Higher Education; Housing
Pearson, Kirk	*Criminal Justice & Corrections; *Select Committee on Hood Canal; Appropriations
Pettigrew, Eric	Economic Development, Agriculture & Trade, Vice Chair; Children & Family Services; Housing
Priest, Skip	*Judiciary; Appropriations; Higher Education
Quall, Dave	Education, Chair; Economic Development, Agriculture & Trade
Roach, Dan	*Financial Institutions & Insurance; **Finance; Capital Budget
Roberts, Mary Helen	Children & Family Services, Vice Chair; Higher Education; Juvenile Justice & Family Law
Rodne, Jay	**Higher Education; **Judiciary; Transportation
Santos, Sharon Tomiko	Education; Finance; Financial Institutions & Insurance
Schindler, Lynn	*Local Government; Housing; State Government Operations & Accountability; Transportation
Schual-Berke, Shay	Appropriations; Financial Institutions & Insurance; Health Care
Sells, Mike	Higher Education, Vice Chair; Housing; Transportation
Serben, John	Capital Budget; Financial Institutions & Insurance; Judiciary
Shabro, Jan	Education; Rules; Transportation
Simpson, Geoff	Local Government, Chair; Financial Institutions & Insurance; Transportation
Skinner, Mary	**Economic Development, Agriculture & Trade; **Transportation; Health Care
Sommers, Helen	Appropriations, Chair; Higher Education
Springer, Larry	Housing, Vice Chair; Capital Budget; Judiciary
Strow, Chris	Capital Budget; Criminal Justice & Corrections; Economic Development, Agriculture & Trade; Financial Institutions & Insurance
Sullivan, Brian	Natural Resources, Ecology & Parks, Chair; Local Government; Transportation
Sullivan, Pat	Education, Vice Chair; Economic Development, Agriculture & Trade; Technology, Energy & Communications
Sump, Bob	**Commerce & Labor; **Select Committee on Hood Canal; State Government Operations & Accountability; Technology, Energy & Communications
Takko, Dean	Local Government; Technology, Energy & Communications; Transportation
Talcott, Gigi	*Education; Appropriations
Tom, Rodney	**Financial Institutions & Insurance; Education; Rules
Upthegrove, Dave	Natural Resources, Ecology & Parks, Vice Chair; Capital Budget; Transportation
Wallace, Deb	Transportation, Vice Chair; Economic Development, Agriculture & Trade; Technology, Energy & Communications
Walsh, Maureen	**Children & Family Services; Appropriations; Select Committee on Hood Canal
Williams, Brendan	Judiciary, Vice Chair; Financial Institutions & Insurance; Natural Resources, Ecology & Parks
Wood, Alex	Commerce & Labor, Vice Chair; Judiciary; Transportation
Woods, Beverly	*Transportation; Local Government

There being no objection, the House adjourned until 9:55 a.m., February 3, 2005, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

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