



THE AMERICAN LEGION  
**EVERGREEN  
BOYS  
STATE**

# Citizen's Manual

**NAME:**

**My Evergreen Boys State Assignments:**

**City:** \_\_\_\_\_

**County:** \_\_\_\_\_

**Political Party:** \_\_\_\_\_

**#EBSdiscuss Group:** \_\_\_\_\_





# **The American Legion**



## **Department of Washington**

**Presents**

### **The American Legion Evergreen Boys State**

**Organized in 1940**

P. O. Box 3917  
Lacey, Washington 98509

[www.walegion.org](http://www.walegion.org)  
[www.EvergreenBoysState.org](http://www.EvergreenBoysState.org)



# The American Legion



## Department of Washington

### Dedication

This program is dedicated to  
the membership of The American Legion Department of Washington,  
who, through their sacrifice to Community, State and Nation,  
have made this great Nation what it is today.

We wish to thank this membership for their service to their Country,  
to the youth of the past, to us, and to the youth of the future.  
Through their commitment to The American Legion Department of Washington  
Evergreen Boys State program, they ensure the future.

*Thank you!*

*American Legion Department of Washington  
Over 100 Years of Service*



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# The American Legion



**Pictured: The American Legion Department of Washington Headquarters building in Lacey, Washington**

In 1919 Congress chartered **The American Legion** as a patriotic, mutual-help **Veterans organization**. A community service organization with close to 2.6 million members, men and women, organized in nearly 15,000 local American Legion Posts, worldwide. These Posts are organized into 55 Departments - one each for the 50 states, the District of Columbia, Puerto Rico, France, Mexico, and the Philippines. A great deal of volunteer work is also completed annually by subsidiary organizations, The American Legion Auxiliary and the Sons of The American Legion.

The American Legion's National headquarters is in Indianapolis, Indiana, with additional offices in Washington, DC. In addition to the thousands of volunteers serving in program leadership capacities in local communities, National Commissions and Committees, the National organization has a regular full-time staff of about 300 employees.

Each state is autonomous in its organization. The State of Washington has 40,000 plus members, excluding The American Legion Auxiliary, and the Sons of The American Legion. Each state has a number of American Legion Posts, the smallest unit within The American Legion. The work of The American Legion is performed in the local Posts. Washington has 160 plus Posts in all parts of the State. Many of the National American Legion programs are parts of each local American Legion Post activities.

A few of the local programs are Flag Education, School Medal Awards, The Samsung American Legion Scholarship, Boys State - Boys Nation, Jr. Shooting Sports Program, American Legion Baseball, National High School Oratorical Contest, Boy Scouts of America, Uniformed Groups Competitions, Children and Youth Programs, Financial Assistance, and the Child Welfare Foundation. Other Programs that may be found within The American Legion Posts are JROTC, Blood Donations, Crime Prevention, Foreign Relations, Jobs - Veteran's Employment Opportunities Act supports, Veterans Affairs, GI Insurance, and Veterans Rehabilitation Programs.

For more information, please contact your local The American Legion Post. Or see [www.legion.org](http://www.legion.org) [www.walegion.org](http://www.walegion.org) [www.EvergreenBoysState.org](http://www.EvergreenBoysState.org) or [www.WAConstitutionalSpeechContest.org](http://www.WAConstitutionalSpeechContest.org)



## *Citizen's Creed*

*"American Citizenship is a priceless possession. I believe in the constitutional form of government of the United States of America - which guarantees me the right to a voice in our government and an equal opportunity to have my voice heard.*

*It is my obligation to participate in and contribute my efforts to the civic and political welfare of my community, state, and nation.*

*I resolve to learn and understand government and the civic needs of my community, and I hereby dedicate myself to the task of inspiring and maintaining a like interest in my fellow citizens.*

*Therefore, may the experience of The American Legion Evergreen Boys State be ever with me as a reminder of my obligation to the freedom of mankind."*



# **The Constitution of The American Legion Evergreen Boys State**

## **Preamble**

**We, the Citizens of the Great State of Evergreen**, associate ourselves together for the following purposes: To uphold and defend the Constitutions of the United States of America, The State of Washington, and our State of Evergreen; to maintain law and order, and join to cultivate and preserve a personal sense of brotherhood and community; to always remember our sense of individual obligation to our Community, State and Nation; to continuously rise up against the oppression of both the classes and masses and always make right the master of might; to promote peace and goodwill amongst our fellow man; and to safeguard and transmit to future generations the principles of justice, freedom, and democracy. We shall forever dedicate and sanctify our friendship with our enthusiasm for a mutual helpfulness.

**Whereas**, in the years since 1940, The American Legion Department of Washington sponsored The American Legion Evergreen Boys State and has granted more than 20,000 of Washington State's best young men the opportunity to attend this unique program; and

**Whereas**, this program has been designed to provide an active involvement in a political system, the election process, as well as the functions of City, County and State Government, the Legislative processes and the operations of the State Judicial system; and

**Whereas**, we the current citizens of The American Legion Evergreen Boys State, having been duly selected and sponsored by a local The American Legion Post, from within the State of Washington, according to the standards established for them by The American Legion Evergreen Boys State Board of Directors; and

**Whereas**, each Citizen has agreed to participate to his fullest personal ability, to learn the responsibilities of citizenship, to choose or reject those who would lead us, practice the administration of government and to make all decisions carefully, based our best reasoning; and





**Whereas**, we do further accept: the responsibility to use the knowledge and skills we have acquired from our participation in The American Legion Evergreen Boys State program to help promote improvement in our schools, our Community, State and Nation; and

**Whereas**, we agree to uphold and defend the Constitution of the United States of America, The State of Washington, and our State of Evergreen. We also agree to the **“Citizen Code of Behavior”** as the law of the land and will abide with the **“Expectations and Rules”** as well as the **“Consequences”** of violations; we therefore further agree to the following articles.

### **Article I**

The sovereign power of The American Legion Evergreen Boys State resides with its citizens, subject to the review and approval of The American Legion Evergreen Boys State Board of Directors. The Director and Senior Staff assume the role of the Federal Government.

### **Article II**

Each Citizen is required to abide by the Constitutions, Laws and Regulations of the United States of America, The State of Washington, Warm Beach Conference Center and the rules of The American Legion Evergreen Boys State.

### **Article III**

Elected City and County Officials shall have the power to enact any ordinance designed to provide guidelines for the citizens of that city or county respectively, and any visitors within the boundaries of the said city or county. City and County Officials may not pass any ordinance, which is in conflict with any general rules established by The American Legion Evergreen Boys State Board of Directors, The Director and Staff or the published schedule of The American Legion Evergreen Boys State program.

### **Article IV**

A duly elected legislature will consist of a House of Representatives and Senate, and may enact legislation concerning the health, welfare and activities of the citizens of The American Legion Evergreen Boys State. Members of the legislature shall be elected from each of the various Evergreen Boys State cities and reside in the city from which they are elected.

The Evergreen Boys State Legislature may consider for legislative action any matter or concerns which might logically be considered by the State of Washington Legislature. All pertaining legislation enacted by the Evergreen Boys State Legislature, will be made known to the State of Washington Legislature.

### **Article V**

All judicial bodies shall be limited to a maximum of \$0.50 in monetary fines or a maximum of 30 minutes community service. No penalty shall conflict with the need to participate in the published schedule of activities.

The elected Evergreen Boys State Supreme Court shall receive appeals from the Superior Court. The elected Evergreen Boys State Supreme Court shall rule on the Constitutionality of Legislative action and the decisions or actions of all elected Evergreen Boys State Officials if required to do so.

No elected member of the of the Executive Branch of The State of Evergreen, The Supreme Court, nor members of the Senate, nor the House of Representatives shall be subpoenaed, nor forced to appear before any court while government



functions of Evergreen Boys State are in session. No member of The American Legion Evergreen Boys State Staff may be involved in any Evergreen Boys State court action.

The decisions of the Evergreen Boys State Supreme Court shall be final, unless in extraordinary circumstances, may be overruled by the Federal Court. The Federal Court in this case will be the Evergreen Boys State Director or his designates.

### **Article VI**

The American Legion Evergreen Boys State rules, regulations and schedule as developed are for action in this current legislative session. The Evergreen Boys State Legislature may consider a Memorial to the Federal Government, (The American Legion Evergreen Director and Senior Staff) recommending changes in rules, regulations, and or the schedule for future sessions of The American Legion Evergreen Boys State. Any such memorials will receive proper consideration.

### **Article VII**

Political material prepared prior to Evergreen Boys State for any purpose cannot be distributed to Evergreen Boys State Citizens, without the approval of the Director.

### **Article VIII**

No ordinance, law, or court decision at any level of governance of Evergreen Boys State shall require action of any Evergreen Boys State citizen in conflict with laws of jurisdictions set forth in Article II. Nor shall it excuse behavior deemed illegal in said jurisdictions.

### **Article IX**

Any personal grievance of an Evergreen Boys State Citizen should be conveyed immediately to the Instructional Staff or a Senior Staff member in charge. If the grievance is not resolved at that level, any citizen will have upon request and an appointment, access to The American Legion Evergreen Boys State Director, or his designate, to register any grievance. Any decision made at that level would be final.

### **Article X**

This constitution of Evergreen Boys State may be amended by a two-thirds vote of each the House of Representatives and Senate, subject to the approval of the voters in the next Evergreen Boys State general election. No change in this constitution may take effect until one day after the final session of the American Legion Evergreen Boys State program in which it was enacted.



# Evergreen Boys State Citizen Code of Behavior

## Expectations and Commitment to Fellow Citizens

The American Legion Evergreen Boys State should be regarded as a **university level learning experience**. We believe, however, that the high school leaders selected to attend Evergreen Boys State are capable of a higher level of dedication and commitment. Every citizen of the State of Evergreen is expected to carry himself as **a gentleman, a young adult, and a leader**. These roles require each citizen to comply with certain expectations and commitments to him and his fellow citizens.

**Evergreen Boys State and its Citizens require the following expectations to be met by each Citizen.**

- Be always 100% responsible for all of your actions.
- Treat everyone with courtesy and respect.
- Attend all activities on time, to be alert and attentive to all speakers.
- Always wear your "Citizen Name Tag" visible on your chest.
- Remain within the established Evergreen Boys State boundaries of the conference center.
- Be in your assigned sleeping room between the hours of 10:30 PM. and 6:00 am.
- Always comply with Evergreen Boys State dress code.
- Report all accidents regardless of how minor, to your City Instructors immediately.
- Report any damage to campus property to your City Instructors immediately.
- Introduce all your visitors to your City Instructors and the Director prior to their on-campus authorization.
- Comply with all Warm Beach Conference Center regulations and requirements.
- Comply with the prohibition of tobacco products, alcohol, or non-prescribed drugs on campus.
- Comply with the prohibition of possession of any type of weapon, or item with the possible design or intent to injure a human being.
- Comply with the Evergreen Boys State Electronics and Phone policy.

## Consequences

If it is deemed necessary by an Instructor, or Staff member to report a violation of expectations to Evergreen Boys State Director, upon a procedural review by Staff members, the **only consequence for the Citizen, is to be sent home**.

When action is warranted, and in the presence of the Director or his designate and another Staff member:

**The Citizen will do the following:**

- They will telephone their parents and explain why they are being sent home.
- They will explain and make arrangements for the parental financial obligation, at this time.
- They will inform their parents and their sponsor at The American Legion Post with an explanation of this action.
- They will inform their parents that a letter will be sent to their High School Principal for their school records, explaining why they were sent home.
- It shall also be clearly explained and understood that the costs of being sent home early, because of disciplinary action, shall be inherent to the parents of the Citizen.



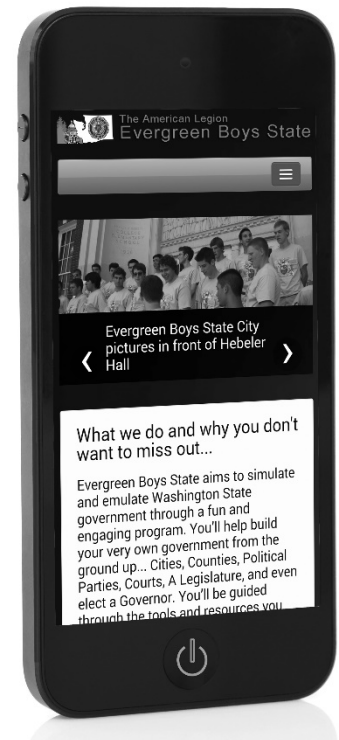
## Evergreen Boys State Electronics and Phone Policy

- Mobile phones and other electronic devices may not be used during any working session\*
  - Group presentations
  - EBS University courses
  - City, County or Political Party Meetings
- Ringers and alert tones must be set to “do not disturb” or vibrate
- You may not speak on your phone inside any conference building
- Use of your mobile phone or electronic device to intimidate, ridicule, defame or threaten other students, staff, or delegates – either directly or through other social media platforms (such as Facebook, Twitter, Instagram, etc.) is strictly prohibited
  - This is Cyber-bullying and is ILLEGAL. You will be held responsible accordingly
- Phone calls with any person are NOT an excuse to be outside the dormitory or your room past lights-out time.

\* Exceptions to this policy are only under the guidance of the working session staff instructor who may ask you to use an electronic device as part of a planned learning activity.

## Tips for phone use at EBS

- Stay focused on the program and your experience at EBS
  - Limit time spent talking and texting
  - Use your mobile phone to communicate and solve your problems here
  - Avoid outside distractions (Parents, girlfriends, buddies, etc.)
- It is best to simply leave your phone in your room.
  - Focus on the in-person communication and friendships you will make while you are here
- Observe the 10-ft rule and only have conversations when you are away from other people
  - Avoid conversations regarding personal matters where others can hear you
- **DO** call your parents early in the week and let them know you made it safely to the program and what office you are interested in pursuing while you are here



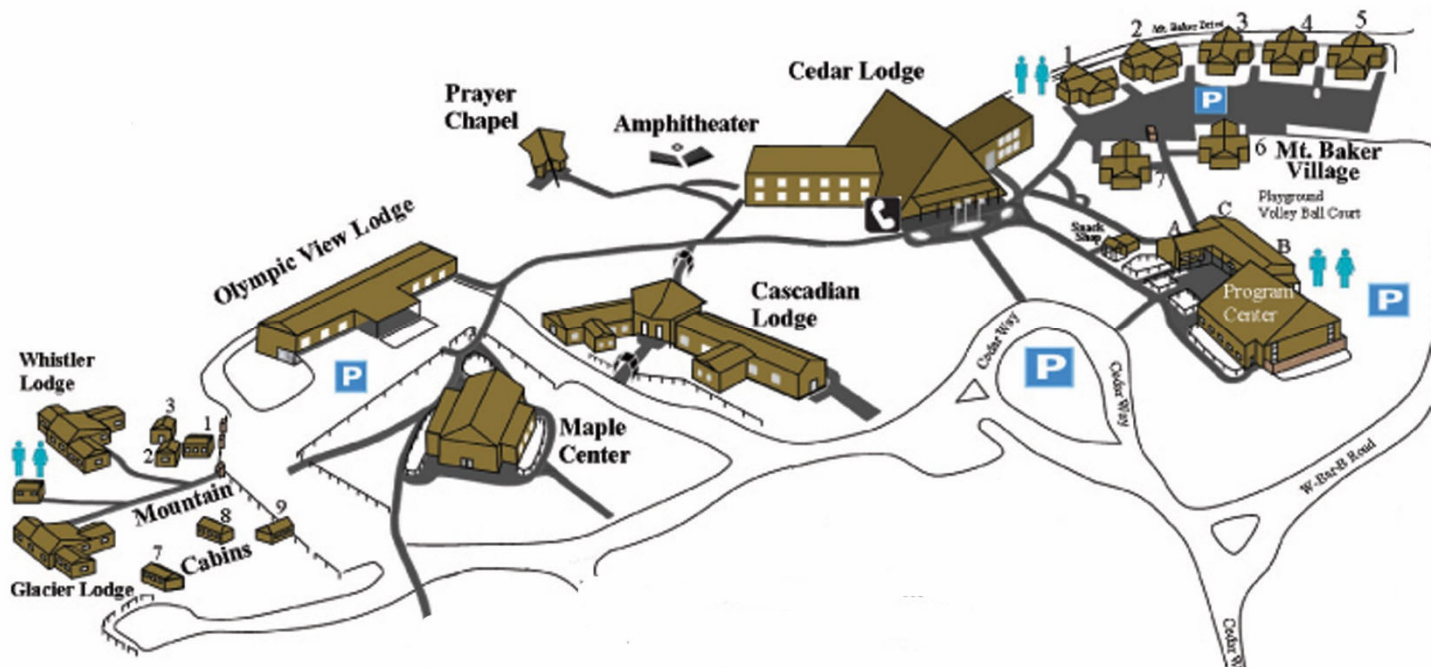
## Evergreen Boys State Campus Area

Evergreen Boys State will only operate within the boundaries of the campus area shown on the map below. **Any area that is not on this map is off limits Evergreen Boys State Citizens.** This applies from after registration ends on Sunday and until all citizens are dismissed by your City Instructors on Saturday. **All parking lots are off limits.**

To be specific, you may not go to any of the follow areas:

- Parking lots
- Beach trails or wood trails
- Swimming pool
- Ropes course
- Climbing wall
- Miniature golf course

EBS Citizens should at no time be in a building they are not assigned to. Only buildings shown on this map are available to EBS. **Any buildings not shown on this map are off limits to EBS.**





## Oath of Citizenship

(Raise your right hand and affirm after me)

I **(state your name)** do solemnly affirm that I will faithfully perform the duties and responsibilities of a citizen of the great State of Evergreen, in which I now reside.

And, I will associate myself together with my fellow citizens for the following purposes.

I will uphold and defend the Constitution of the United States of America and the State of Evergreen.

I will maintain law and order.

I will engage in my obligation to my community, state, and nation.

I will combat the autocracy of both the classes and masses.

I will make right the master of might so as to promote peace and good will on earth.

I will safeguard and transmit to posterity the principles of justice, freedom, and democracy.

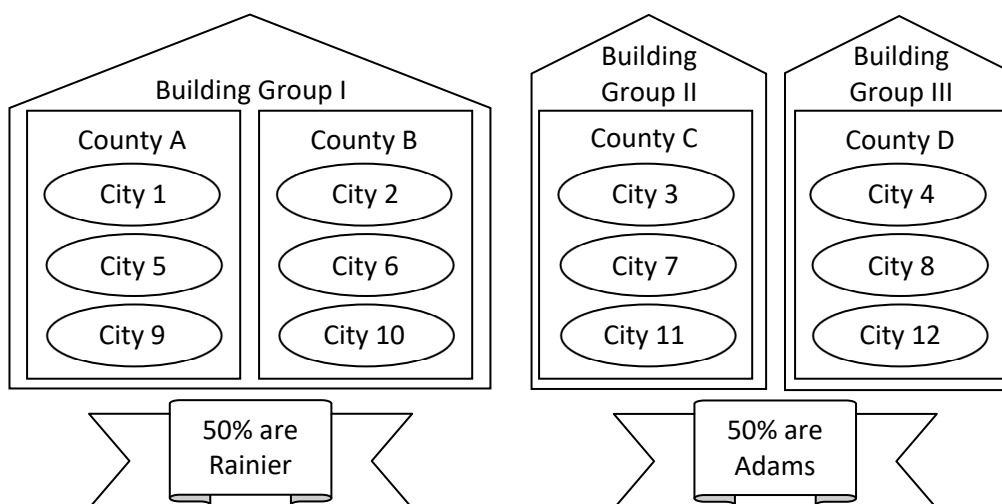
I will consecrate and sanctify my friendship by my devotion and mutual helpfulness to my fellow citizens.

I hear-by pledge to perform all my duties of citizenship only for the public good and never for my own personal gain or for the personal gain of my friends or family.

(Hands down and Congratulations)

## How EBS Government is organized

The governmental aspects of Evergreen Boys State are intertwined in the schedule, living arrangements, and general philosophies. Citizens are housed in geographical and political units called "**Cities**", twelve of which comprise the four "**Counties**", within the "**State of Evergreen**". Each City and County is divided into two parties, the "**Adams Party**" and the "**Rainier Party**". The exact number of cities and counties will vary from year to year.



**Cities are targeted to have a population of about twenty-five students.** The city and political party you are assigned to are randomly generated by a computer. In general, you will not be assigned to cities with others from your high school or friends you may have come with. While this may be intimidating, you will generally find it is pretty easy to make new friends at EBS with just a bit of initiative on your part.





































The number of elected officials in some branches of government will be determined by the overall EBS population. An announcement will be made at the start of the week regarding those numbers.

- Each city will elect \_\_\_\_\_ City Councilmen.
- Each city will elect \_\_\_\_\_ Representatives.
- Each city will elect \_\_\_\_\_ Senators.





















In addition to the various elected government positions available at Evergreen Boys State, there will be a variety of other elected positions you may choose to pursue during the week. These positions help facilitate operations of the Election Board, Political Parties, and your early city formation.

# Elected government function positions at EBS


You may be elected to only one (1) of these positions at Evergreen Boys State

|  |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|--|---|---|----------------------------------|---|--------------------|--|------------------|---|-----------------|---|---------------|---|------------------------|--|------------------------------|--|--------------------------------------|-----------|--|------------------------------------|--|----------------------|----------------------|--|---|--|--------------------------|--|---|--|------------------------|-----------------------------|--|-----------------------|----------------------------------|--|---|--|--------------------------|--|---|--|------------------------|
| <p style="text-align: center;"><b>Executive Branch</b><br/>(Gov't Function in Executive Branch)</p> <ul style="list-style-type: none"> <li>• Primary Election on <b>Tuesday</b></li> <li>• General Election on <b>Wednesday</b></li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Governor <sup>1</sup></td> <td style="text-align: right; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Lieutenant Governor <sup>2</sup></td> <td style="text-align: right; padding: 5px;"> </td> </tr> <tr> <td style="padding: 5px;">Secretary of State</td> <td></td> </tr> <tr> <td style="padding: 5px;">Attorney General</td> <td style="text-align: right; padding: 5px;"> </td> </tr> <tr> <td style="padding: 5px;">State Treasurer</td> <td style="text-align: right; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">State Auditor</td> <td style="text-align: right; padding: 5px;"></td> </tr> <tr> <td style="padding: 5px;">Insurance Commissioner</td> <td></td> </tr> <tr> <td style="padding: 5px;">Commissioner of Public Lands</td> <td></td> </tr> <tr> <td style="padding: 5px;">Superintendent of Public Instruction</td> <td style="text-align: right; padding: 5px;"><b>NP</b></td> </tr> </table> | Governor <sup>1</sup>   |  | Lieutenant Governor <sup>2</sup> |   | Secretary of State |  | Attorney General |   | State Treasurer |  | State Auditor |  | Insurance Commissioner |  | Commissioner of Public Lands |  | Superintendent of Public Instruction | <b>NP</b> | <p style="text-align: center;"><b>Legislative Branch</b><br/>(Gov't Function in House <u>or</u> Senate)</p> <ul style="list-style-type: none"> <li>• General Election on <b>Wednesday</b></li> </ul> <p><b>House of Representatives</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">Representative (elected by Cities)</td> </tr> <tr> <td style="width: 30px; text-align: center; font-size: 8px;">Elected by the House</td> <td style="padding: 5px;">Speaker of the House</td> </tr> <tr> <td></td> <td style="text-align: right; padding: 5px;"></td> </tr> <tr> <td></td> <td style="padding: 5px;">Majority/Minority Leader</td> </tr> <tr> <td></td> <td style="text-align: right; padding: 5px;"></td> </tr> <tr> <td></td> <td style="padding: 5px;">Majority/Minority Whip</td> </tr> </table> <p><b>Senate</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">Senator (elected by Cities)</td> </tr> <tr> <td style="width: 30px; text-align: center; font-size: 8px;">Elected by the Senate</td> <td style="padding: 5px;">Lieutenant Governor <sup>2</sup></td> </tr> <tr> <td></td> <td style="text-align: right; padding: 5px;"> </td> </tr> <tr> <td></td> <td style="padding: 5px;">Majority/Minority Leader</td> </tr> <tr> <td></td> <td style="text-align: right; padding: 5px;"></td> </tr> <tr> <td></td> <td style="padding: 5px;">Majority/Minority Whip</td> </tr> </table> | Representative (elected by Cities) |  | Elected by the House | Speaker of the House |  |  |  | Majority/Minority Leader |  |  |  | Majority/Minority Whip | Senator (elected by Cities) |  | Elected by the Senate | Lieutenant Governor <sup>2</sup> |  |   |  | Majority/Minority Leader |  |  |  | Majority/Minority Whip |
| Governor <sup>1</sup>  |    |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Lieutenant Governor <sup>2</sup>   |       |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Secretary of State   |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Attorney General   |       |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| State Treasurer  |    |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| State Auditor  |    |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Insurance Commissioner   |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Commissioner of Public Lands   |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Superintendent of Public Instruction   | <b>NP</b>   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Representative (elected by Cities)   |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Elected by the House   | Speaker of the House  |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  |    |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  | Majority/Minority Leader  |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  |    |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  | Majority/Minority Whip  |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Senator (elected by Cities)  |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
| Elected by the Senate  | Lieutenant Governor <sup>2</sup>  |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  |   |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  | Majority/Minority Leader  |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  |    |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |
|  | Majority/Minority Whip  |   |                                  |   |                    |  |                  |   |                 |   |               |   |                        |  |                              |  |                                      |           |  |                                    |  |                      |                      |  |   |  |                          |  |   |  |                        |                             |  |                       |                                  |  |   |  |                          |  |   |  |                        |

|  |   |                           |  |                        |   |  |   |  |                     |
|--|---|---------------------------|--|------------------------|---|--|---|--|---------------------|
| <p><b>Judicial Branch</b><br/>(Gov't Function in Courts)</p>   |   |                           |  |                        |   |  |   |  |                     |
|   <br><br>  | <p style="text-align: center;"><b>State Supreme Court</b></p> <ul style="list-style-type: none"> <li>• Primary Election on <b>Tuesday</b></li> <li>• General Election on <b>Wednesday</b></li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 5px;">Supreme Court Justice (9)</td> </tr> <tr> <td style="width: 30px; text-align: center; font-size: 8px;">Appointed by the Court</td> <td style="padding: 5px;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <span><b>NP</b></span>   </div> </td> </tr> <tr> <td></td> <td style="padding: 5px;"> <div style="display: flex; justify-content: space-between; align-items: center;"> <span><b>NP</b></span>    </div> </td> </tr> <tr> <td></td> <td style="padding: 5px;">Supreme Court Clerk</td> </tr> </table> | Supreme Court Justice (9) |  | Appointed by the Court | <div style="display: flex; justify-content: space-between; align-items: center;"> <span><b>NP</b></span>   </div> |  | <div style="display: flex; justify-content: space-between; align-items: center;"> <span><b>NP</b></span>    </div> |  | Supreme Court Clerk |
| Supreme Court Justice (9)  |   |                           |  |                        |   |  |   |  |                     |
| Appointed by the Court   | <div style="display: flex; justify-content: space-between; align-items: center;"> <span><b>NP</b></span>   </div>   |                           |  |                        |   |  |   |  |                     |
|  | <div style="display: flex; justify-content: space-between; align-items: center;"> <span><b>NP</b></span>    </div>   |                           |  |                        |   |  |   |  |                     |
|  | Supreme Court Clerk   |                           |  |                        |   |  |   |  |                     |

 = Must pass Bar Exam  
 = Must earn a specific degree at EBSU

 = Must pass Effective Meetings exam

**NP** = Non-partisan office



# Non-government function positions at EBS

You may hold as many of these positions as you would like:

|  |   |
|--|---|
| <div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>City Government</b><br/>             (Operates during city meetings)<br/>             • General Election on <b>Monday</b> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Mayor  </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 City Clerk  </div> <div style="border: 1px solid black; padding: 5px;">                 City Councilman             </div> | <div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>Political Party</b><br/>             (Elected at political party meetings)         </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <b>Precinct Officers (3 per city)</b> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <b>State Central Committee Representative (1 per city)</b> </div> <div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>State Central Committee</b> </div> <div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; padding: 5px; margin-right: 5px;">                 Appointed by the Party Chairman from member of the Central Committee (some roles may be unfilled)             </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px; flex-grow: 1;">                 State Party Chairman  </div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px; flex-grow: 1;">                 State Party Vice-Chairman  </div> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Sergeant-at-Arms             </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Convention Chairman             </div> <div style="border: 1px solid black; padding: 5px;">                 Platform Chairman             </div> |
| <div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>Election Board</b> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Election Board Judge (1 per city)  </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">                 Majority Party Inspector (1 per city)             </div> <div style="border: 1px solid black; padding: 5px;">                 Minority Party Inspector (1 per city)             </div>                | <div style="text-align: right; font-size: small; padding-top: 20px;">  = Must pass Effective Meetings exam                 </div>   |

## Notes about the election of positions

- A citizen may be elected to only one government office. The first office he is elected to will be the office he holds for the week. Once he has been elected, his name will automatically be removed from any further ballot.<sup>1</sup>
- A citizen may only have his name appear on the same ballot once. There are three different ballots at EBS. The first is Monday night for city elections. The second is Tuesday night for county elections and state primary elections. The third is Wednesday night for state general elections and legislative elections. For example, you COULD NOT run for both County Sheriff and run in the primary election for State Treasurer Tuesday. You COULD run for Mayor Monday and then run for Senator Wednesday.
- Holding any “non-government position” does not preclude you from holding a “government office.”
- Everyone will hold a position at Evergreen Boys State once your government begins to function. Those not elected to one of the positions above will be appointed to one of several administrative roles in the government.

<sup>1</sup> Governor – Any citizen may run for the office of Governor regardless of prior election history. He still may not have his name appear on the same ballot more than once.

<sup>2</sup> Lieutenant Governor – While this position is elected as part of the Executive Branch, he will carry out his responsibilities in the Legislative Branch during government functions as President of the Senate.

<sup>3</sup> Chief Justice – The Chief Justice will be the Justice who receives the most votes in the state general election.

# Fundamentals of the Election Process

Elections will be the foundation upon which you build your government at Evergreen Boys State. It is important that those elections be both fair and transparent. The election processes used here are designed to emulate the process of Washington State and will help ensure the elections are both fair and transparent for your Citizens. This section will describe the processes of both Evergreen Boys State and Washington State.

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## Election Board Officers

Election Board Officers are the Individuals in charge of the administration of elections. Each Evergreen Boys State City will have its own Election Board.

The Election Board will consist of one officer from each political party and a third coming from the *majority party*, to act as inspector. An informal election within the Political Parties in the City will fill the three positions.

## Filing fees

There is a filing fee assessed to office seekers in the state of Washington. Those seeking an office with a salary or compensation attached of one thousand dollars or less per year must pay a filing fee of \$10.00. If such salary or compensation exceeds one thousand dollars per year, a sum equal to 1% of the office's fixed annual salary must be paid. Citizens interested in holding a precinct office do not pay a filing fee. **EVERGREEN BOYS STATE CITIZENS ARE NOT REQUIRED TO PAY A FILING FEE.**

## Nomination for office

Citizens who desire to hold an elected office in the CITY, COUNTY or STATE LEGISLATURE<sup>4</sup> will be nominated for those positions at a city or county meeting. Those nominations will be forward to the Acting Secretary of State by the Election Board Officers via an online submission form.

## Declaration of candidacy

Citizens who desire to hold an elected office in the STATE EXECUTIVE or STATE SUPREME COURT<sup>5</sup> will be required to file a Declaration of Candidacy form online. Those citizens interested in being a candidate for a state office will file with the Acting Secretary of State, as instructed. In Washington State, candidates for state office, including state legislature and Supreme Court Judge positions, file in the office of the Secretary of State. At Evergreen Boys State, candidates for state legislature do NOT need to file for office.

## General campaigning

Evergreen Boys State citizens seeking an elected city office will campaign primarily through meeting fellow citizens face-to-face, speeches, campaign posters and an online voters' guide. Citizens will not be allowed to utilize commercially produced items or materials prepared prior to arriving at Evergreen Boys State, nor shall they be allowed to distribute any tangible items (i.e.: candy, money, etc.) with the intent to sway a citizen's vote with a "bribe."

## Campaign speeches

All office seekers will be provided an opportunity to campaign through speeches. Members of the Election Board will provide specific information as to where and when you will be expected to make a speech and the length of that speech. No previously prepared or

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<sup>4</sup> This includes Mayor, City Council, City Clerk, County Executive, County Council, County Auditor, Sheriff, County Prosecutor, Superior Court Judge and Court Clerk

<sup>5</sup> This includes the positions of Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Insurance Commissioner, Commissioner of Public Lands, Superintendent of Public Instruction, and the Supreme Court.



commercial posters are permitted at Evergreen Boys State. No campaign costumes, visual aids, props, or material for distribution made by citizens will be allowed before or during Evergreen Boys State.

## Campaign posters

Candidates seeking office will be provided with the time and supplies to make one (1) campaign poster for each city their position directly affects. For example, a candidate for a city office may make and display one poster while candidates for a county office in a county that has three cities may make and display three posters. Candidates for statewide office may make and display one poster for each city in the state.

Campaign Posters will be allowed to be displayed in the following locations:

- City Meeting Rooms
- Hallways and common areas of sleeping buildings/areas
- Lobbies and common areas of Maple Center

Campaign Posters MAY NOT BE displayed in the following locations:

- The dining hall
- Cedar Lodge common areas or hallways
- Inside or on doors leading into any restroom
- On any trees, landscaping, outdoor ornamental structures or decorations
- On or in any building not used by Evergreen Boys State

Campaign Posters must be hung using blue painters tape provided by Evergreen Boys State. Use of tacks, nails, glue, or any other type of tape to hang posters is strictly prohibited.

## Online voters' guide

Candidates for STATE EXECUTIVE or STATE SUPREME COURT will also have the opportunity to be listed in the online voters' guide. Candidates can submit via online

form both a statement and photograph to be accessible online and viewable prior to and during elections.

Statements must be professional and autobiographical in nature and shall not surpass two hundred words (200) in length (300 words for the Office of Governor). Statements must be submitted no later than one (1) hour before the opening of the polls when ballots are distributed.

## Vote-By-Mail

Washington State votes exclusively by mail. At Evergreen Boys State each citizen will "vote-by-mail" by dropping their ballot in the designated mail drop for all elections. Election boards will ensure that a paper ballot is delivered to every citizen for each election according to the procedures below. They shall at that same time communicate when and where ballots may be returned. Citizens will then be responsible for delivering their ballot to the designated polling location at the announced times. Ballots returned after the end of the designated voting period will not be counted.

## Preparing for ballot distribution

The Election Board officers must meet at their designated city meeting rooms 10 minutes before the time set for opening the polls and ballot distribution. Each member must take the oath prescribed for his office before taking up his duties.

Upon the completion of the oaths of office, the election board officers should arrange themselves and their materials in the following manner:

|      |                  |                  |                    |         |
|------|------------------|------------------|--------------------|---------|
| Flag | Election Officer | Election Officer | Election Inspector | Ballots |
|------|------------------|------------------|--------------------|---------|

The officers should then inspect the ballots to ensure that no errors are present, and that the quantity of ballots matches exactly the number of voting citizens within their city.



## **Request for delivery of ballots**

A voter desiring to vote shall give his name and show his voter registration card to one of the election officers, who shall then in an audible tone announce it. If no challenge is voiced or if over-ruled, the voter shall be given a ballot.

## **How to mark a ballot**

The voter shall place an "X" within the parentheses or box beside the candidate's name for whom he wishes to vote. The voter shall not vote for more candidates for an office than are positions to be filled. He may not add any name as a "write-in" candidate as Washington State Law and Evergreen Boys State requires write-in candidates must file a declaration of candidacy prior to the start of the elections. Votes for "write-in" candidates who have not properly declared for office or been duly nominated shall not be counted.

## **Voter DON'Ts: It is unlawful for a voter to:**

- Show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate for whom he has voted
- Receive a ballot from any person other than the election officer having charge of the ballots
- Vote or offer to vote any ballot except the one he received from the election officer having charge of the ballots
- Place any mark upon his ballot by which it may afterward be identified as the one voted by him.

## **Tally votes and posting results**

The election boards will begin tallying votes as soon as polls have officially closed and are instructed to do so by Staff. Once all the votes have been tallied and the ballots strung together, the ballots and tally sheet should be returned to the Staff. The Staff will be responsible for verifying the Election Boards' results. Upon verification for accuracy, the results will be posted in a conspicuous place and the winners will be notified.

## **NOTES:**

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# Evergreen Boys State University

In a very short time, you will likely be looking at options for life after high school. What you do and what you choose to study will have a huge impact on your future employment options. Most careers require some sort of specialized training, and the same is true at EBS. Everyone will have the choice of attending six of nine different EBSU courses. You will be required to complete two general education classes, three course of study classes, and one elective. You will earn various degrees based on the courses you choose to attend. **And you will need to pay special attention as several government positions at EBS require a specific degree!**

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## Your EBSU transcript

You will be provided with an official EBSU Transcript to record the courses you attend and the degree you are working toward. It is **your** responsibility to keep track of this transcript and have it marked to receive credit for the courses you attend. **Lost transcripts will not be replaced.** This transcript must be turned end at the conclusion of the sixth EBSU session. **If you do not turn in a transcript at the conclusion of the sixth EBSU session, you will not receive a degree.**

### **Government positions requiring a Master's in Public Administration degree**

- Mayor
- Governor
- Lieutenant Governor

### **Government positions requiring a Master's in Business Administration degree**

- City Clerk
- State Treasurer

### **Government positions requiring a Juris Doctorate degree**

- Attorney General
- Supreme Court Justice

## Course Tickets

As mentioned above you will only be able to attend six of the nine courses, you will need to plan ahead for what courses you would like to take. Additionally, class sizes are limited for each course. Prior to the start of EBSU, your city will be given an allocation to each course for each session. **You must have a ticket to attend a particular course and session.** Work within your city to make sure your group can achieve their educational goals and attend the courses they need.



## Evergreen Boys State University courses

### **Effective Meetings (Monday/Tuesday sessions 1-6)**

This course provides you with the foundation to help effectively conduct business in a formal meeting environment. You will learn how to keep order when parties become conflicted and tools to better keep discussion focused.

*Required for: All Degrees*

### **Effective Presentations/Public Speaking (Monday/Tuesday sessions 1-6)**

This course develops your ability to present to a large group of individuals in an effective and competent manner. Students that take this course will gain confidence in a large group setting as well as on the individual level.

*Required for: All Degrees*

### **Decision Making (Monday – sessions 1, 2 &3)**

This course explores various ways for you to evaluate situations and problems and make the best decision for accomplishing goals. You will be challenged to be creative in your thinking and explore all options to given challenges.

*Required for: MA in Public Administration, MA in Communications*

### **EBS Court Operations (Monday – sessions 1, 2 &3)**

This course gives you the essentials of how the court system at Evergreen Boys State works and is a requirement of a Juris Doctorate degree. You must complete the J.D. to practice law in the State of Evergreen and be elected to a prosecutorial position or a judgeship.

*Required for: Juris Doctorate*

### **EBS Elective (Tuesday – sessions 4, 5 &6)**

This course will be taught by a rotating EBS guest lecturer. Please see your handout for additional information.

### **Ethics (Monday – sessions 1, 2 &3)**

This course provides a general overview of your responsibilities as a public servant. It also explores generally accepted rules of professionalism and gives you the opportunity to talk through ethically challenging scenarios.

*Required for: Juris Doctorate, MA in Business Administration*

### **Leadership (Monday – sessions 1, 2 &3)**

This course provides you with the general skills and knowledge to lead a group and/or team in accomplishing goals and problem solving. It will help you understand the basic concepts used to motivate others.

*Required for: MS in Public Administration, MA in Business Administration*

### **Negotiation & Compromise (Tuesday – sessions 4, 5 &6)**

This course develops your ability to work together in order to complete a common goal. You will learn how to understand other people's view point and how to reach consensus.

*Required for: MA in Communication, MA in Business Administration*

### **Public Financing (Tuesday – sessions 4, 5 &6)**

This course teaches you how to understand the legal requirements of government budgets, taxation, and public financial responsibility. It will provide you with tools for navigating and balancing budgets at the city, county, and state level.

*Required for: MA in Public Administration, MA in Business Administration*



# Evergreen Boys State University degree requirements

## **Master's of Business Administration**

### *Six (6) Courses Required*

- Effective Meetings
- Effective Presentations
- Public Finance
- Ethics
- Negotiation and Compromise
- One elective class of your choice

### *Degree required to hold the following positions*

- City Clerk
- State Treasurer

## **Master's of Communication**

### *Six (6) Courses Required*

- Effective Meetings
- Effective Presentations
- Decision Making
- Leadership
- Negotiation and Compromise
- One elective class of your choice

### *Degree required to hold the following positions*

- None

## **Juris Doctorate**

### *Six (6) Courses Required*

- Effective Meetings
- Effective Presentations
- Court Operations 1
- Business Etiquette
- Ethics
- One elective class of your choice

### *Degree required to hold the following positions*

- Attorney General
- Supreme Court Justice

## **Master's of Public Administration**

### *Six (6) Courses Required*

- Effective Meetings
- Effective Presentations
- Leadership
- Decision Making
- Public Finance
- One elective class of your choice

### *Degree required to hold the following positions*

- Mayor
- Governor
- Lieutenant Governor

# Effective Meetings

Business meetings are the arenas in which decisions are made and our laws and ordinances will be created. It is important that they run as effectively and smoothly as possible. Parliamentary law is a system of rules designed to facilitate business meetings in an orderly manner, but there are also other less formal ways to keep your group on track. These are common sense suggestions to help the leaders and members make their organizations more effective.

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## Guidelines for presiding officers

**Know the rules** and you will preside with ease and confidence. Follow the rules yourself. Insist that everyone observes parliamentary principles, which insure harmony, legality, and achievement. Do not emphasize technicalities and forget principles.

**Lead firmly**, courteously, impartially. Firmly—you must make certain decisions. If there is no objection, we will have the report of the Executive board later." Courteously—never forget "please" and "thank you." "I'm sorry, but you're out of order." As soon as the chair states the motion, you may speak on it. Impartially—"We've heard three speakers who favor this motion. Let's hear from someone who opposes it."

**Help a member state his motions clearly.** Restate the motion yourself if it is confusing. If a member says, "I move; All dog owners be required to have muzzles on their dogs whenever they appear in the streets". After a second is heard the chairman might say, "It has been moved and seconded that all dogs be required to wear muzzles whenever they are allowed to run loose. Does that express your idea, Mr. Thomas?"

**Keep the meeting moving steadily ahead.** Hold members to time limits - "Pardon me, Mr. Fuller, your time is up", "Mr. Jones, you may have the floor."

**Keep members on the subject.** The question is: Shall we publish a magazine? Please speak only on this point."

**State motions and take votes promptly.** If there is no further discussion, those in favor say "Aye."

**Do not allow "railroading."** Member: "I nominate Mr. Everett and move that nominations be closed."

Chairman: "Your motion to close nominations is out of order until others have had an opportunity to nominate. Are there further nominations?"

**Create a warm and friendly atmosphere**, which promotes discussion. Encourage the shy member. Several other members have studied this problem. What do you think of this plan?" Discourage the member who talks too much—too often. "Just a moment, Mr. White, I'd like to recognize someone who hasn't spoken."

**Do not permit personalities in discussion.** Confine speakers to issues only. "Mr. Blake, your last remark is out of order you may talk against this revision all you wish but you cannot reflect on the motives of the committee."

## Guidelines for members

**Understand parliamentary rules** and know your rights. Then you take part with confidence, and no one can push you around. Parliamentary procedure follows common sense rules and principles of law applied to meetings. It is easy to understand and use. It works magic in meetings.

**Think and work constructively.** You can build up or tear down your organization. If the programs are poor, do not walk away muttering—make some good suggestions to the program committee. If they are not accepted, try to get on the committee yourself next year and build programs with appeal to the members.

**Phrase your motions carefully.** Think them through. Poorly stated motions cause confusion, require amendments and waste everybody's time. Assess your motion. Is it: (a) Clear and definite? Not like this — "I move that we do not favor the refusal of the Council not



to allow the park to be used for concerts, which are not free." (b) Workable? Not like this – "I move we cut down noise by prohibiting barking of dogs" (c) Complete? Not like this — "I move we greatly enlarge our membership" Add how and by how many.

**Encourage your fellow members.** Showing appreciation costs you nothing but it makes you and the other fellow feel good all over. Congratulate the chairman who prepared a good program, the speaker who gave a stimulating talk, and the member who drove 30 miles to be at the meeting.

**Participate.** It is not your duty to speak unless you want to. It is your duty to listen, weigh arguments, and vote. Members who listen carefully, consider thoughtfully, and vote, are valuable contributors. A vote can be as eloquent as a speech.

**Support the right of the majority to decide** and to carry out their decisions. Protect the right of the minority to be heard and to oppose. If you follow these principles, you will progress steadily and with unity of purpose.

**Offer leadership,** even though you hold no office in every organization there are important leaders without title. Mr. Everett's judgment is always sought. He leads in decision-making. Mr. Harrison is usually the first to speak up when volunteers are called for. He leads the volunteers. Mr. Hughes soothes upset feelings and explains misunderstandings. He leads with tact.

**Attend meetings regularly.** Meetings are the powerhouses where plans are generated. Every member who attends contributes. If you stay away, come late, or leave early, you have no right to criticize what the other members did.

**Accept and support the decision of the majority.** A majority vote, once taken, becomes the legal decision of all. It is your decision, too. Help give it a fair trial. If the vote goes against your beliefs, you will not lose face if you about-face and help. Like this—"Mr. Chairman, I fought against the motion just passed. It won. Now that we have decided to build a new clubhouse, put me down for a hundred dollars to start the fund.



## NOTES:

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## Guidelines for committees

**General:** In contrast to the formality of procedure used in business meetings, committee meetings are usually conducted in an informal manner. While committees are not limited as to membership and may number 50 or more, most committees are composed of from four to eight members. When the committee is small (four to eight members) formal parliamentary procedure is abandoned in arriving at a group decision. During these informal discussions, a formal motion, a second, a discussion and a vote are not necessary when the decision can be reached quickly by unanimous consent procedure. However, even in a commune meeting, if a subject is controversial and spirits rise, the chairman may have to resort to formal procedure in order to control and guide the group.

## Characteristics of a committee meeting

- Start and finish on time.
- Speaker not required to stand.
- Recognition is not required in order to speak.
- Chairman participates as freely as any other members but adheres to schedule.
- Discussion is neither limited nor suppressed.
- Matters are discussed without any motion.
- Formal motion, second, etc., is not usually necessary. Most decisions are made by unanimous consent of members.
- Formal procedure invoked when necessary.

## Types of committees

- Standing Committees (Constitutional):
  - By authority of the Constitution.
  - Appointed, elected, or ex-officio members.
  - Permanent.
  - Report made in order named in Constitution.
- Special Committees:
  - Created for a special reason or problem.
  - Membership by motion, appointment, election, or ex-officio.
  - Temporary.
  - Those functioning longest report first.

## Giving a committee report

1. Form (oral or written).
2. Content (statement of meetings, summary of facts only of investigation).
3. How presented (usually by chairman when committee is called).
4. Disposition of (received" or "received and filed with Secretary—Chairman making it clear that recommendations be taken by assembly only on separate formal motion, one at a time.) Committee Chairman: Start discussion with a few comments on the nature of the committee's problem.
5. Keep on track. Avoid small talk. Follow an agenda.
6. Do not talk too much; draw out the quiet members.
7. Help members enjoy working on the committee by getting things done.
8. Save everybody's time by bringing the tools for the committee's work. These will help:
  - a. A copy for each member of the list of committee members, with addresses and phone
  - b. A written statement of the committee's job, its duties and powers.
  - c. Instructions from president or organization.
  - d. Reports of previous committees or any material, which will be useful.
  - e. Rules or policies of the organization which apply to committee's job.
9. Encourage but do not boss. Committees are created because a group decision is wanted. Do not try to decide everything yourself.
10. Be Informal. In committees, no seconds are required, speakers are not limited, and the chairman can make motions and talk, too.
11. Divide the work. Appoint sub-committees if needed. Give everybody a job.
12. Let members share in preparing the report. Vote on it at a meeting, not on the telephone.
13. Vote on each committee's recommendations. Submit them separately from the report.
14. Share credit with your committee. If the committee has done a good job, why not ask the members to sit on the platform while report is read or introduce each one.

## **Fundamental Principles of Parliamentary Procedure**

- Rules exist to promote cooperation and harmony.
- The vote of the majority decides.
- All members have equal rights, privileges, and obligations.
- The minority has rights, which must be protected.
- Full and free discussion of all propositions is a right.
- The simplest and most direct procedure should be used.
- Logical precedence governs introduction and disposition of motions.
- One question at a time is the necessary order of business.
- Members have a right to know what their votes mean.
- The membership may delegate power but must retain responsibility.
- Rules must be administered impartially.

## **Basic pattern for good meetings**

If the bylaws do not contain an order of business, parliamentary law has established the following pattern for a meeting:

1. Call to order.
2. Roll call.
3. Reading of minutes of the previous meeting.
4. Reports of officers.
5. Reports of boards and standing committees.
6. Reports of special committees.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

If there is an invocation or roll call, this usually follows the call to order.

## **Steps in handling a motion**

1. A member rises and addresses the presiding officer.
2. The presiding officer recognizes the member.
3. The member states his motion.
4. Another member seconds the motion.
5. Presiding officer states the motion to the assembly.
6. Members may discuss the motion, if debatable.
7. Presiding officer takes the vote.
8. Presiding officer announces the result.

## **Precedence of motions**

The motions named “Privileged” or “Subsidiary” below have precedence or rank which determines when they may be brought before the group. The chair will allow only one question to be considered at a time. This question will be the one of highest rank, the last one received, and that one becomes the “immediately pending question.” The other motions are “pending questions,” and each takes its turn according to its rank. The main motion is the most important but last in precedence. The other motions on the floor must be disposed of first in order that the main motion can be disposed of in a manner that will accurately reflect the will of the group. Rank or precedence, then, operates to facilitate an orderly and smooth handling of business.

The following list classifies motions according to precedence and gives the principal rules that govern them.



# Political Parties at Evergreen Boys State

Political Parties at their core are a group of people who come together to advocate for policies based on a shared set of ideals and values. At Evergreen Boys State, the two political parties – the Adams Party and Rainier Party – both start as a blank slate. Neither party is predetermined to have a specific set of values. Neither is assigned to be “conservative” or “liberal.” What these parties stand for will be determined by you as you go through the process of determining your shared ideals and values and then create Party leadership, a Party Platform, and hold a Party Convention. **Please keep in mind that while there are both elected and appointed positions in the political party, none of the positions will count as your elected position during government function.**

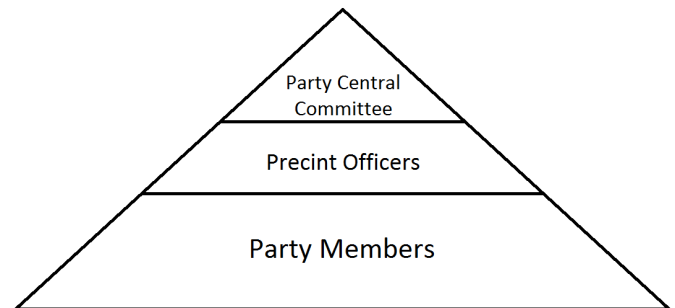
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## Mission of your Political Party

Form a Party Platform by agreeing upon multiple planks. Each plank is a policy position. The more planks you can agree upon, the larger the platform will be. Anyone can propose a plank idea, but only certain party members may vote to adopt it as part of the official platform. Additionally, political parties are responsible for nominating candidates for state office through a primary system. Each potential nominee will have an opportunity to speak in front of their party to garner support. Nonpartisan positions will get to speak to both parties. Finally, each political party will need to plan a party convention. Both conventions will be held in the same auditorium and will give each candidate nominated for state office a chance to address the entire delegation at Boy's State before the general election.

## Political Party Structure



## Party Members

The entirety of a political party is made up of its members. These individuals are bound by a consensus of beliefs. Together the party members promote like-minded individuals who will enact, and foster policy based upon the party platform.

At Boy's State everyone is a member of either the Rainier or Adams Party. It will be your job to elect the leadership positions within your party, so choose wisely.

## Precinct Officers

In real life, according to Washington State law, any person who is a registered voter and member of a major political party may become a candidate for the office of precinct officer by filing a declaration of candidacy with



the county auditor. Candidates for precinct officer do not appear on the primary ballot but rather are placed directly on the general election ballot. The candidate receiving the most votes in his precinct for each political party is declared elected, provided the candidate has received at least 10% of the number of votes cast for the candidate of his party receiving the greatest number of votes in that precinct. Each precinct officer is a member of the county central committee. The county central committee has the authority to fill vacancies on the party ticket for partisan county offices and for legislative offices in districts entirely within that county when no candidate files for such a position or when a candidate or nominee dies or is disqualified, leaving no candidate of that party for the office. The committee may also nominate persons for appointment to these offices if a party incumbent resigns.

At Boy's State precinct officers are the voice of the political party. Once elected by their cities, precinct officers will represent their constituents by selecting a party chairman, voting to adopt or reject proposed planks for the party platform, and finally by ratifying the platform during the party convention. **Precinct officers are the only members of the party who can vote on planks for the platform.** Whether they decide to confer with their peers first is entirely up to them.

### **Party Central Committee**

The state central committee has the authority, under Washington State law, to call caucuses and conventions, provide for the election of Citizens to national nominating conventions, fill vacancies on the party ticket for any federal, state, or legislative office which encompasses more than one county, nominate persons to fill vacancies in state or legislative offices caused by

resignation or death of a party incumbent, and provide for the nomination of presidential electors.

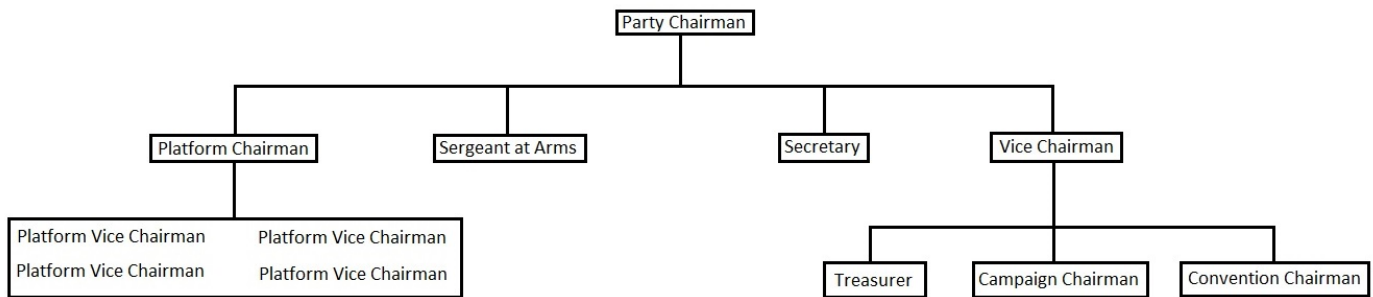
At Boy's State the party central committee will be made up of the several leadership positions. These individuals, with participation from all party members, will help to facilitate political party meetings, create a platform, organize the convention, and support their party's candidates for state office. **Remember, these positions do not constitute your elected position at Boy's State. You may hold one of these offices and still run for anything else.** The central committee positions generally include the following positions:

**Party Chairman** – Often referred to as the most difficult job at Boy's State, the role of party chairman is to lead the party. As chairman you will be responsible for presiding over each political party meeting and ensuring the assembly stays on task in order to accomplish the party mission.

**Party Vice Chairman** – The vice chairman will assist the party chairman in performing his duties. Additionally, he will be responsible for coordinating with the treasurer, campaign chairman, and convention chairmen to create a successful and entertaining party convention.

**Secretary** – In addition to recording the minutes of each party meeting, the secretary will be responsible for recording the official party platform and turning it into the appropriate Instructional Staff. The platform will be posted on the Boy's State website and submitted to the Washington State Legislature, so make sure each plank is clearly explained.

## Party Central Committee



**Sergeant at Arms** – Political Party Meetings can at times become heated due to the content of certain potential plank ideas. It is the duty of the sergeant at arms to help the party chairman maintain order so meeting business can be attended to in an efficient manner.

**Treasurer** – The treasurer is in charge of the party funds (yes there will be party funds). These funds will be used toward purchasing props and decorations for the convention. He is to report to and work with the vice chairman and others toward producing the proper environment for the party's convention.

**Campaign Chairman** – Time at the convention is limited. Many candidates for state office will need to give speeches. It is the duty of the campaign chairman to organize, with the party's nominees, speech parameters so that each candidate will get an opportunity to speak. Also, the campaign chairman will determine similar parameters for the state primary speeches. These may include but are not limited to speech length and dress code. The campaign chairman works closely with the vice chairman and other officers to ensure a seamlessly run party convention.

**Convention Chairman** – The party convention is just as important as the party platform. If either is lacking, it will negatively affect the other. The convention chairman is responsible for bringing all the elements together-

platform, candidate speeches, decorations, keynote address, music, entertainment, prep, and cleanup- in order to produce a flawless product.

**Platform Chairman** – The platform chairman has the responsibility of organizing all of the submitted planks and making sure their stated ideas are clear and concise. He utilizes his vice chairmen to help with the process then works with the party chairman to organize the order in which the potential planks will be discussed during the party meetings.

**Platform Vice Chairmen** – Organizing all the ideas of the party members is a challenging task for one man alone. The platform vice chairmen assist the platform chairman by helping to facilitate discussion amongst the party members and consolidate ideas in smaller group settings. They also help clarify any confusion of submitted plank ideas.

## **State Party Convention**

At Boys State, the political party convention is an important step in not only the election process, but also the party identity. During the convention, your precinct officers will officially ratify your party platform and the candidates from your party vying for a state office in the general election will have an opportunity to address the entire assembly of delegates. Equally important though is to have some fun. The convention is also a time to



celebrate what you have accomplished within your political party. Use the opportunity to energize and pump up the members of your party. To help with this task there will be an allowance for the party to spend on

props and decorations. Feel free to utilize any audio and visual aid technology you have at your disposal as well. Enjoy the moment, you will have earned it.

**NOTES:**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



# Writing bills and ordinances

A **bill** is a document which, when introduced into the legislature, passed by both houses (House and Senate), and approved by the Governor becomes law.

An **ordinance** is a document which passed by either a City Council or County Council becomes law.

Either a bill or an ordinance will have the pieces outlined below, and in most cases is a simple fill-in the blanks exercise. The work is in writing the body.

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## Uniform Heading

The uniform heading for both houses is always the same.

### Title

The title of a bill states in clear, concise terms the content and purpose of the bill and always begins with: "AN ACT RELATING TO"

### Body

The body of the bill is what the bill is about. This is where the author clearly explains the purpose and scope of the bill. Each general idea is called a Section and would correspond to a paragraph. Beginning with the body, each line of the bill is numbered for easy reference. There is no minimum or maximum length for the body of a bill.

### Definition Clause

The Definition Clause makes specific definitions of items in the body that may need to be defined for exact recognition and public understanding.

### Penalty Clause

The penalty clause sets the penalty for violation of the law, (if it can be violated). It always begins: "THE PENALTY FOR A VIOLATION OF THIS ACT WILL / SHALL BE..."

## Repeal Clause

Under normal conditions, title and number would repeal any act that conflicts with the bill. However, for cases in the State of Evergreen, the repeal clause will always read: "All acts or parts of acts in conflict are hereby repealed."

## Severability Clause

This action divides each part of the bill into automatically separate actions so that if one part of the bill is unconstitutional, the other parts remain in effect. It is written, "The provisions of this act are severable and should any part be declared unconstitutional, it shall not affect the remaining parts."

## Effective Dates

This action states the date the law is to go into effect. (It must be at least 90 days from the date of the Governor's signature.)

## Emergency Clause

The emergency clause provides that the law shall go into effect upon the signature of the Governor. However, this clause requires a two-thirds vote for passage.

## Resolutions and Memorials

Resolutions and memorials differ from bills or ordinances in their intent. Floor resolutions are a call for action; concurrent resolutions are concerned with the internal operations of the legislature; joint resolutions are concerned with demands of both houses regarding matters external to the legislature; and memorials are used to address federal groups regarding action which affects the state.

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**A Floor Resolution** is a written motion calling for action. It may be used to express the opinion of the group, appoint a special committee, and grant approval for the hiring of additional employees. Resolutions may follow the same course as bills in either house, but usually are simply read to the members from the floor and voted upon by a yea / nay voice vote. Floor resolutions are not signed by the presiding officer of either house, and go no further than their house of origin. They are neither engrossed, enrolled, nor signed by the governor.

**A Concurrent Resolution** relates to the internal operation of the legislature in which one house concurs in the action of the other. This resolution form is used in such things as notifying the governor that the legislature is organized or about to adjourn sine die, or providing for a joint session of the legislature to receive a message of the governor. Concurrent resolutions follow the same course as bills, although they may be adopted by a yea and nay vote. They are signed by the presiding officer of each house and are filed in the secretary of state's office as a record of the internal action of the legislature. Concurrent resolutions are engrossed if amended, enrolled, but not signed by the governor.

**A Joint Resolution** is a joint action of both houses with respect to some matter external to the legislature. A joint resolution may be used to propose an amendment to the state constitution, to call a convention for the purpose of revising or amending the state constitution, or to cause the removal of the attorney general. A joint resolution may be addressed to the President of the United States, the United States House of Representatives or Senate, or to the heads of any other branch of the federal government whenever the legislature is of the opinion that the federal government should follow a particular

line of action. The usual procedure for expressing opinions to the federal government is by the joint memorial; demands for federal action are usually made by the joint resolution. Joint resolutions cannot be used in this state to enact substantive legislation. A joint resolution follows the same course as a bill up to and including its signing by the presiding officer of each house. After being signed by the presiding officer of each house, a print copy of the resolution is filed in the office of the secretary of state and a certified copy transmitted by him to the person or group to whom it may be addressed. Joint resolutions are engrossed in the house of their origin, if amended; they are enrolled but are not signed by the governor.

**A Memorial** is used as a tool by both houses to petition Congress, the President, or federal agencies to take certain action within their jurisdiction, which affects the state. Memorials may be used to request changes in the federal social security act. Joint resolutions may also be used for this purpose. However, in practice, a memorial is used to petition Congress or the President rather than a joint resolution for the reason that a Memorial serves to bring the expression of legislative sentiment before Congress without insisting that Congress take action in accordance with this sentiment. A joint resolution is more of a demand to Congress from the legislature. A memorial follows the same course as a bill up to, and including, its signing by the presiding officer of each house. Upon being signed by the presiding officer of each house, the original is filed in the office of the secretary of state. A certified copy of the Memorial is transmitted by either the chief clerk of the House or the secretary of the Senate to the particular person or group to whom it may be addressed. Memorials are engrossed if amended, enrolled, but is not signed by the governor.



## A Sample Resolution

IN THE SENATE & HOUSE; by \_\_\_\_\_

SENATE & HOUSE RESOLUTION NO. \_\_\_\_\_

EVERGREEN BOYS STATE, 20 \_\_\_\_\_ IN REGULAR SESSLON

Read first time June \_\_\_\_\_, 20\_\_\_\_\_, order Printed and Referred to the Committee on Social and Health Services.

### A RESOLUTION COMMENDING GOVERNOR MOORE ON HIS ADDRESS OF THE WASHINGTON STATE SENATE

**WHEREAS:** The Honorable James Moore was elected Governor of the 1978 session of The American Legion Evergreen Boys State, and

**WHEREAS:** Lieutenant Governor John Cherberg invited Governor Moore to address the Washington State Senate, and

**WHEREAS:** Governor Moore did address the Washington State Senate on February 15, 2013, regarding The American Legion Evergreen Boys State Program. **THEREFORE,**

**BE IT RESOLVED:** This House extends to Governor James Moore congratulations on being the first American Legion Evergreen Boys State Governor invited to address the Washington State Senate.

**BE IT FURTHER RESOLVED; THAT** this house send a letter of gratitude to Lieutenant Governor John Cherberg for his kind and generous offer.

# Fundamentals of City Government

Washington State has four types of city government: Town Meeting, Commission, Council Manager and Mayor Council. For the purposes of Evergreen Boys State, we study only the Mayor Council type. Good City unity and progress is very important in real life. It is equally important at Evergreen Boys State, for the City is the foundation of the entire government for the week we are living together. The selection of those who will serve throughout Evergreen Boys State as city officials should be made with the thoughtful care of every citizen. Weigh the qualifications of each candidate before casting your vote.

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## Elected officers and their duties

Under the Mayor Council type of city government, the city offices vary with the class of the city. At Evergreen Boys State, all cities governed by the Mayor Council system have the following elected positions: Mayor, City Council, and City Clerk.

### Mayor

The Mayor is the chief administrative officer of the City. He is the political head of the City and, as presiding officer of the City Council, is active in the development of city policies. A variation of the Mayor Council form of movement present in Washington State cities allows the Council to override decisions of the Mayor. The development of public policy under this form is primarily the responsibility of the City Council and the Mayor's job is one of coordination, rather than leadership. Although this is considered to be a weak form of the Mayor Council system, it does provide a structure of checks and balances.

Duties at Evergreen Boys State: The Mayor presides at all City meetings and meetings of the City Council, using parliamentary procedure. He has a vote on all business coming before the Council. As the official leader of the City, the Mayor makes all city appointments. He sees that ordinances are passed and that those he appoints carry out those ordinances. The Mayor should make himself available to help his Junior Staff and City Instructors in any way he can. It is the mayor's responsibility to organize his city's solution to the city problem, and coordinate a thorough and professional business presentation of the solution at the announced time and place.

## City Council

The City Council, along with the Mayor, forms the governing body of the City. They assist the Mayor in the development of public policy and perform all actions necessary in the governing of the City, including the passing of ordinances and resolutions. Duties at Evergreen Boys State: The Councilmen assist the Mayor in the governing of the City. This includes assisting in the development of city ordinances and offering suggestions for city appointments. The Councilmen cooperate with the Mayor at all times concerning problems regarding their city, and assist the mayor in preparing the solution to the assigned city problem as well as the presentation of said solution.

### City Clerk

The City Clerk serves as the secretary for the City Council. He keeps the minutes of meetings, a record of all the ordinances passed, and all other papers related to the Council's business. He acts as the City Auditor, presenting a bill to the City Council whenever the City owes money to someone for services or for materials purchased. The City Clerk also acts as the registrar of voters for the City and issues any licenses granted by the City Council. Duties at Evergreen Boys State: The City Clerk is the secretary for the City Council, keeping the minutes of all City meetings. He is the official record-keeper of the City. He is responsible for making a list of city ordinances and city appointments; these lists are then posted on the bulletin board within the City. The City Clerk also assists the mayor in preparing the solution to the assigned city problem as well as the presentation of said solution.

# Fundamentals of County Government

A listing of county officials follows. Included is a job description of these positions as they are within the State of Washington.

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## Elected officials and their duties

First, the county is that unit of local government, which serves and governs all of the people who do not live in incorporated cities or towns. There are even some services, which the county provides inside the cities as well. Roads, public health, weed control, elections, courts, law enforcement, and civil defense are only a few of the concerns of county government.

Counties derive most of their power from the state constitution and the actions of the state legislature. This might imply that counties have no local freedom at all, but that is not true. In most cases the county laws, which have been passed by the legislature, have been general in nature, setting forth only the broad outlines of each governmental program that is to be managed by the county, and in some cases have fixed some general requirements.

Many county functions, for instance building and maintaining roads, are recognized to be purely local programs. Others, such as the conduct of elections, are primarily activities of the state, which are performed by county officials acting as agents of the state. Still others, such as public health, are a combination of the two.

A series of county offices has been created with certain specific duties assigned to each. It has been provided that some officials shall be elected; others shall be appointed, and the law says who shall make the appointments and under what terms and conditions.

## County Commissioners and County Councilmen

Commissioners are the "legislative" (Law making) authority of the county and have general supervision over the entire county's money spending policies. By law,

there are three commissioners in every county, each elected for a term of four years. The exception to this law is King County by Charter. The whole subject of County Charters is now active or pending in Clallam, Whatcom, Thurston, Pierce, as well as King County. The terms of the three Commissioners are staggered to assure continuity, so that two commissioners are chosen at one general state election, and the third position is filled at the next election two years later. In the performance of most county business, commissioners act as a Board. Two members can act as the Board, except where the Chairman is authorized to act for the Board.

The Board, at the first session of the year following the general election (which is every two years) shall reorganize and select a Chairman. Should a vacancy occur by death, resignation or removal from office, the law prescribes that the two remaining commissioners are to appoint a third from a list of three (3) nominations by the county central partisan committee of the vacating official. If they cannot agree within 30 days, the governor steps in and makes the appointment. In case two vacancies occur at the same time, the governor appoints one and these two then appoint the third.

The commissioners are responsible for filling vacancies in other elected county offices as well as their own, following the same appropriate procedure. While the statute has always required the Board to meet at least four times a year in regular session, the general rule is that commissioners meet monthly or weekly. In the larger counties the commissioners spend the greater part of every week day in their offices or out in their districts on county business.

## **Powers of the Commission/Council**

The mere outline describing these powers cannot begin to convey their size or complexity.

1. Provide and maintain a courthouse, jail, and other necessary buildings.
2. Supervise the construction and maintenance of county roads.
3. Grant licenses for ferries, grocery stores and other authorized purposes.
4. Fix the amount of county taxes to be paid and see that they are collected.
5. Supervise the payment of bills against the county and audit the accounts of officers entrusted with county funds.
6. Care for county property, funds, and business, and prosecute or defend all actions for and against the county.
7. Make and enforce those police and sanitary regulations not in conflict with other laws.
8. Have the power to increase or decrease the county debt.
9. Have the power to administer oaths or cite witnesses before them for contempt.
10. Call for public hearings on applications for plats, franchises, road vacations, ordinances, bids, and others.

The commissioners' freedom of judgment is not unrestricted, however. There are many statutory limitations on the action of the Board as an impartial guarantee that the county's business is conducted openly and in a freely competitive manner as possible. In addition to the specific limitations of commissioners' authority contained in the law, there is another immediate check upon their actions. If he feels the Board has been arbitrary, any person may appeal to the county superior court from any action of the Board. The long-range check upon the commissioners' activities is, of course, is the vote.

As general managers of the county's business, the commissioners are also responsible for setting the financial policy of the county. By their determination of the county's budget for the coming year, the

commissioners grant authority to the various officers for the expenditure of all county funds.

## **County Auditor**

This office is the one place in the county where the official records of all land ownership are kept. It is the auditor's responsibility to see that these records are complete and accurate. The auditor must examine all deeds, contracts, mortgages, and leases before recording them and must ensure that the necessary taxes have been paid. Many other documents are either recorded or filed in the auditor's office. Among the many other duties of the auditor are: marriage licenses, vehicle registrations, auditing county books, budget spending and disbursing county funds, interest bearing warrants, supervising elections, voter registration, election safeguards, election officers and canvassing an election.

## **County Assessor**

The assessor is the appraiser whose job it is to determine the value, for tax purposes, of all county property. Taxes are simply a means of spreading the cost of government fairly among those who receive its services. Property is divided into two distinct classes when it is considered for taxation: real property and personal property. Real property includes the land itself and any improvements on the land, such as a house, barn, and other buildings, as well as fences, roads, bulkheads, etc.

Personal property includes such possessions as animals, farm machinery, agricultural products, goods and equipment and all the many other things that people own and use. The assessor must determine the fair value of these properties.

After the assessor has completed his valuation, the next major step in the process of property taxation is the equalization of assessments. For this purpose, the law requires that the board of county commissioners sit as a board of equalization (or appeal); the assessor serves as clerk of the board of equalization. Any taxpayer may appear before the board of equalization to protest the assessment placed against his property, regardless of the reason he feels it to be in error.

## **County Treasurer**

Real and personal property taxes are paid to the county treasurer who is responsible for mailing out tax statements and for the distribution and segregation of tax moneys paid into the treasury. Several types of special taxing districts have been authorized by the state legislature to provide specific services for certain geographic areas: these include school, fire protection, port, public utility, hospital, library districts and others. Other duties of the county treasurer are: foreclosure sales, tax title sales, and delinquent personal property tax procedures.

The treasurer is chairman of the county finance committee. This committee selects the bank or banks which are accepted at the lowest rate possible. It also has the right to invest certain idle funds or cash balances which the county may have on hand.

## **Sheriff**

The county sheriff is the only law enforcement officer in the state whose duties are spelled out in the state constitution. Violations of county police regulations and some of the less serious crimes defined by the state legislature are known as "misdemeanors." The next most serious crime is the "gross misdemeanor" which involves a heavier fine or longer sentence in the county jail.

Any crime punishable by imprisonment in the state penitentiary or by death is a "felony." Criminal investigations and arrests are only part of the sheriff's job. Another major field of his work covers many civil actions, which do not involve a crime against the county or state. The sheriff summons jurors to duty, he serves all legal papers in connection with court actions, he holds some special sales of property, and he has several duties with regard to stray or vicious animals. In addition, the sheriff searches for missing persons, directs traffic in heavily populated suburban areas, organizes rescue parties, transports mental patients to institutions and gives assistance in natural disasters.

At Evergreen Boys State the County Sheriff shall work in the court system during government functions.

## **Superior Court Clerk**

As an officer of the county superior court, the clerk keeps all the court records except those from inferior courts (justice courts and police courts.) Among the other records kept in the clerk's books are:

1. A list of cases to be tried, showing the title, the nature of the action, the names of attorneys for all parties involved, the date when the case was filed, and the attendant papers filed. One copy of this record is for judges and the other is for the involved attorneys.
2. A journal book that shows a summary of the action taken in court each day.
3. A record of all final judgments in criminal and civil cases.
4. A record of witnesses.

In work as an officer of the court, the county clerk is responsible for sums of money that come from criminal fines and filing fees. Besides keeping records of the courts, the clerk has several other duties. The clerk or a deputy must be present at court trials. In the courtroom, the clerk administers oaths to witnesses, and keeps the minutes of the trial.

Takes the jury's verdict and performs any other duties required of the clerk by the judge. These are only a few of the many duties of the court clerk.

## **Prosecuting Attorney**

Before qualifying for the four-year term of office, the prosecuting attorney must be admitted to the state bar. This means that they have passed the necessary examinations to qualify as a practicing attorney. All the prosecutor's deputies must also be qualified attorneys. It is the responsibility of the prosecuting attorney to represent the county in court on any action to which the county is a party. They also have many civil duties. By law, the prosecutor is the attorney or legal counsel for all county business, and for each of the county officials. In addition, the prosecuting attorney represents the special service districts in the county, including school districts. They interpret the state constitution, the laws passed by the legislature and the decisions of the courts. The



prosecuting attorney works closely with the county commissioners, giving them any legal assistance which they request pertaining to their office. The prosecutor also examines all county contracts, bond issues and deeds to see that they are in proper legal order.

## Superior Court Judge

A superior court judge can come to office by election or appointment, just as any other elective official. A judge must be an attorney admitted to the bar in the State of Washington and may not engage in the private practice of law, nor may he hold any other office during term as judge. The office of superior court judge is nonpartisan. That is, no judge can claim a political party affiliation.

A system of visiting judges has been set up to take care of the cases in which a local judge or judges have disqualified themselves, or where the number of cases is so great that the local judges cannot hear them all. There are several county officials over whom the court has some measure of control. Among them are the county clerk, the sheriff, the prosecuting attorney, and the judges of inferior courts.

One part of court work that is different from all others is the juvenile division. The court has full control over two types of children under the age of eighteen. One of these types is "dependent children," who lack a parent or other person to give them proper care. The second type of juvenile action concerns the delinquent who has made formal discipline necessary by his own misconduct.

**NOTES:**

[illegible]





# Fundamentals of the Executive Branch

In Evergreen Boys State, as in the State of Washington, the Executive Branch is charged with executing and enforcing the laws of the state. While indeed powerful positions, these positions are not without limits and require incredible amounts of leadership. These elected officials will be required to work with other elected officials from all branches and levels of government to achieve results. Those who are most successful understand that partnerships can often be more effective than power itself.

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## Governor

The Governor is the Chief Executive officer of the State. He is obligated to see that the laws are faithfully executed, is Commander in Chief of the Military and Naval forces of the State, and may call out such forces to execute the laws. He has three means of controlling or influencing the legislature: the veto, the calling of special sessions, and the sending of a message to each session of the legislature. He has direct supervision over all matters relating to the preparation of the State budget. The governor may grant reprieves, pardons, and commutations of sentences or remissions of fines. He makes appointments to fill vacancies occurring in any of the other executive offices or among US Senators or Representatives, Superior or Supreme Court Judges, or Supreme Court Justices and in certain county offices. He appoints many of the heads and members of departments, boards, or committees, which make up the administration branch of our State government.

**Duties at Evergreen Boys State:** The Governor is the highest officer and chief official. He will preside over the Joint Session of the Legislature, discussing important matters before the State and recommending what he thinks is desirable legislation. He and his staff will prepare at least five bills for the legislature pertaining to the betterment of the State. He and staff will lobby for enactment of said Bills. He will also announce all his appointments to office at the Joint Session.

The governor will give speeches at the opening and closing of joint sessions of government, banquet and give press releases during session.

The Governor will review all bills and sign them before they become laws. He will preside over and give a final legislative report to the people.

In addition, the Governor will be the official representative for The American Legion Evergreen Boys State and will represent the program when requested to. He may be asked to attend and give a report to The American Legion Department of Washington Convention or Mid-Winter Conference, upon request of The American Legion Department of Washington Commander.

## Lieutenant Governor

The Lieutenant Governor acts as President of the Senate. He assumes the duties of the Governor when the Governor is absent.

**Duties at Evergreen Boys State:** The Lieutenant Governor is the President of the Senate. He must be very knowledgeable of parliamentary procedure. He will chair every Senate Session and he will attend and give a report to The American Legion Department of Washington Convention or Mid-Winter Conference, upon request of The American Legion Department of Washington Commander.

Will give an address at closing of joint session of government on accomplishments of the senate.

## Secretary of State

The Secretary of State acts as a "secretary" in recording official state papers, primarily in connection with the governor's office and with the legislature. He oversees all state elections.



**Duties at Evergreen Boys State:** The Secretary of State serves as the Secretary to the Governor. He keeps records of all state business. He writes correspondence for the Governor and thank you notes to all Evergreen Boys State guests. He is in custody of the State Seal and must stamp all and only official documents. He will prepare at least three bills for the legislature pertaining to the duties of his position and lobby for their enactment. Give an address at the closing of joint session of government on the accomplishments of his office.

## **State Treasurer**

The State Treasurer is to receive, keep and disburse all state funds not specifically assigned to the care of someone else.

**Duties at Evergreen Boys State:** The State Treasurer performs duties assigned by the Governor. He will prepare at least three bills for the legislature pertaining to the duties of his position and lobby for their enactment. Evaluate grant applications by the criteria set by the office of the State Treasurer. He will give an address at the closing of joint session of government on accomplishments of his office.

## **State Auditor**

The State Auditor is responsible for the post auditing of state agencies, making sure that all money spent was spent according to law and that state funds were not misused. He is also responsible for the supervision of trained accountants to check the books of officials in counties, cities, and districts.

**Duties at Evergreen Boys State:** The State Auditor will perform duties as assigned by the Governor. He will prepare at least three bills for the legislature pertaining to the duties of his position and lobby for their enactment. Evaluate grant applications by the criteria set by the office of State Auditor. Give an address at the closing of joint session of government on the accomplishments of his office.

## **Attorney General**

The Attorney General is the chief legal officer of the State. He is required to advise the members of the

legislature, the Governor and other state officials, and county prosecuting attorneys on questions of law, which concern their duties. The Attorney General is also an attorney for the State, serving as both prosecutor and defense attorney.

**Duties at Evergreen Boys State:** The Attorney General is the legal advisor to the legislature and the state officials. He advises the Governor on the constitutionality of legislation prior to being signed into law. He participates in, and attends as required, the Judicial Sessions. Give an address at the closing of joint session of government on the accomplishments of his office.

## **Insurance Commissioner**

The Insurance Commissioner makes certain that insurance companies within the state are doing legitimate business and are able to pay the claims against them. He also, through his department, administers a written exam to be sure that the insurance agents who sell insurance are competent. The Insurance Commissioner is responsible for ensuring that insurance rates are fair.

**Duties at Evergreen Boys State:** The Insurance Commissioner will perform duties as assigned by the Governor. He will prepare at least three bills for the legislature pertaining to the duties of his position and lobby for their enactment. Evaluate grant applications by the criteria set by the office of the Insurance Commissioner. Give an address at the closing of joint session of government on the accomplishments of his office.

## **State Superintendent of Public Instruction**

The State Superintendent of Public Instruction supervises the public schools of the state. He hires trained educators as assistants who along with him, make up the state Department of Education. The

The Department of Education is responsible for making sure that the standard of educational training in the public schools is as high as possible and fairly uniform throughout the state.



**Duties at Evergreen Boys State:** The Superintendent of Public Instruction will perform duties as assigned by the Governor. He will prepare at least three bills for the legislature pertaining to the duties of his position and lobby for their enactment. Evaluate grant applications by the criteria set by the office of the State Superintendent of Public Instruction. Give and address at the closing of joint session of government on the accomplishments of his office.

## Commissioner of Public Lands

The Commissioner of Public Lands is the person primarily responsible for the buying, selling, or leasing of land by the state, except for those lands which specific state agencies, e.g., Department of Fisheries - buy for recreational or other uses. The Commissioner arranges

for the surveying of state lands to determine their value so that a fair price can be set for their sale or use. He also serves as Secretary of the Board of Natural Resources, the agency named by the legislature to supervise the sale or lease of state lands. The Commissioner acts as the executive head of the Department of Natural Resources, which carries out the decisions of the Board.

**Duties at Evergreen Boys State:** The Commissioner of Public Lands will perform duties as assigned by the Governor. He will prepare at least three bills for the legislature pertaining to the duties of his position and lobby for their enactment. Evaluate grant applications by the criteria set by the office of Commissioner of Public Lands. He will give an address at the closing of joint session of government of the accomplishments of his office.

**NOTES:**

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# Fundamentals of the Legislative Branch

The Evergreen Boys State legislature is composed of the Senate and the House of Representatives. Rules of operation for both chambers model the actual rules of the Washington State Senate and House of Representatives. EBS Senators and Representatives should closely read this section to understand the process a bill must flow through in order to be enacted into law. Committee rules and structure are also modeled on the real world, but for purposes of Evergreen Boys State, some committees have been combined or eliminated.

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## Joint rules of the Evergreen Boys State Senate and House of Representatives

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### Ethics

**Joint Rule 1.** Legislators and legislative employees are expected to conduct themselves in an ethical manner and are subject to any such ethics regulations adopted by the Senate and House of Representatives. The House of Representatives and Senate may impose disciplinary action for violations of such regulations. Disciplinary actions for violation include: In the case of a legislator, reprimand, censure, or when applicable, restitution; and in the case of a legislative employee, reprimand, suspension, or when applicable, restitution.

### Sessions of the Legislature

**Joint Rule 2.** The sessions of the legislature shall be held annually, convening at 9:00 o'clock in the morning on the first Thursday after the third Sunday in June.

### Joint session

**Joint Rule 3.** Whenever there shall be a joint session of the two chambers, the proceedings shall be entered at length upon the journal of each chamber. The Lieutenant Governor or President of the Senate shall preside over such joint session, and the clerk of the house shall act as the clerk thereof.

### Motions for Joint session

**Joint Rule 4.** All motions for a joint session shall be made by concurrent resolution to be introduced by the chamber in which such joint session is to be held.

### Business Limited

**Joint Rule 5.** No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

### Joint Legislative Committees

**Joint Rule 6.** Joint legislative committees may be created by concurrent resolution originating in either chamber and passed by a majority vote of both chambers. Joint committees shall have the power of regular committees of both houses, unless such powers are amended by the rules committee of both chambers.

### Joint Committee Hearings

**Joint Rule 7.** All public hearings held by joint committees or held jointly by the House of Representatives and Senate standing committees shall be scheduled in accordance with the public notice requirements of both the house and senate and Evergreen Boys State schedule and citizen code of behavior.



## **Amendments to the State Constitution – Action by Legislature**

**Joint Rule 8.** Amendments to the Evergreen Boys State Constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two chambers, such proposed amendment shall be entered on their respective journals with the ayes and nays thereon.

## **Conference Committee**

**Joint Rule 9.** In every case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee of three for that purpose, and the other house may grant the request for a conference and appoint a committee to confer. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions to the extent possible as it relates to the subject matter.

## **Report of the Conference Committee**

**Joint Rule 10.** The Conference Committee shall submit the bill as amended to the House of Representatives if it was originally a Senate bill, or to the Senate if it was originally a House of Representatives bill. If the receiving chamber acts to approve the report and pass the bill as amended, it shall then transmit its action and the bill to the other chamber.

## **Messages Between the Two Houses**

**Joint Rule 11.** Messages from the Senate to the House of Representatives shall be delivered by the secretary or the secretary's designee, and messages from the house of representatives to the senate shall be delivered by the chief clerk or the chief clerk's designee.

## **Final Action on Bills, How Communicated**

**Joint Rule 12.** Each chamber shall communicate its final action on any bill or resolution, or matter in which the

other may be interested, in writing, signed by the secretary or clerk of the chamber from which such notice is sent.

## **Enrolled Bills – Presiding Officer to Sign**

**Joint Rule 13.** After a bill shall have passed both chambers and all amendments have been engrossed therein, it shall be signed by the presiding officer of each chamber in open session, first in the chamber in which it originated. The secretary of the Senate or the chief clerk of the House of Representatives shall present the original bill to the governor for signature.

## **Disposition of engrossed bills**

**Joint Rule 14.** Whenever any bill shall have passed both chambers, the chamber transmitting the enrolled bill to the governor shall also file with the Secretary of State the engrossed bill together with the history of such bill up to the time of transmission to the Governor.

## **Adjournment**

**Joint Rule 15.** Neither chamber shall deviate from the Evergreen Boys State schedule or adjourn for more than 2 hours, nor to any place other than its normal seat of business, without the consent of the other.

## **Adjournment Sine Die**

**Joint Rule 15.** Adjournment sine die shall be made only by concurrent resolution.

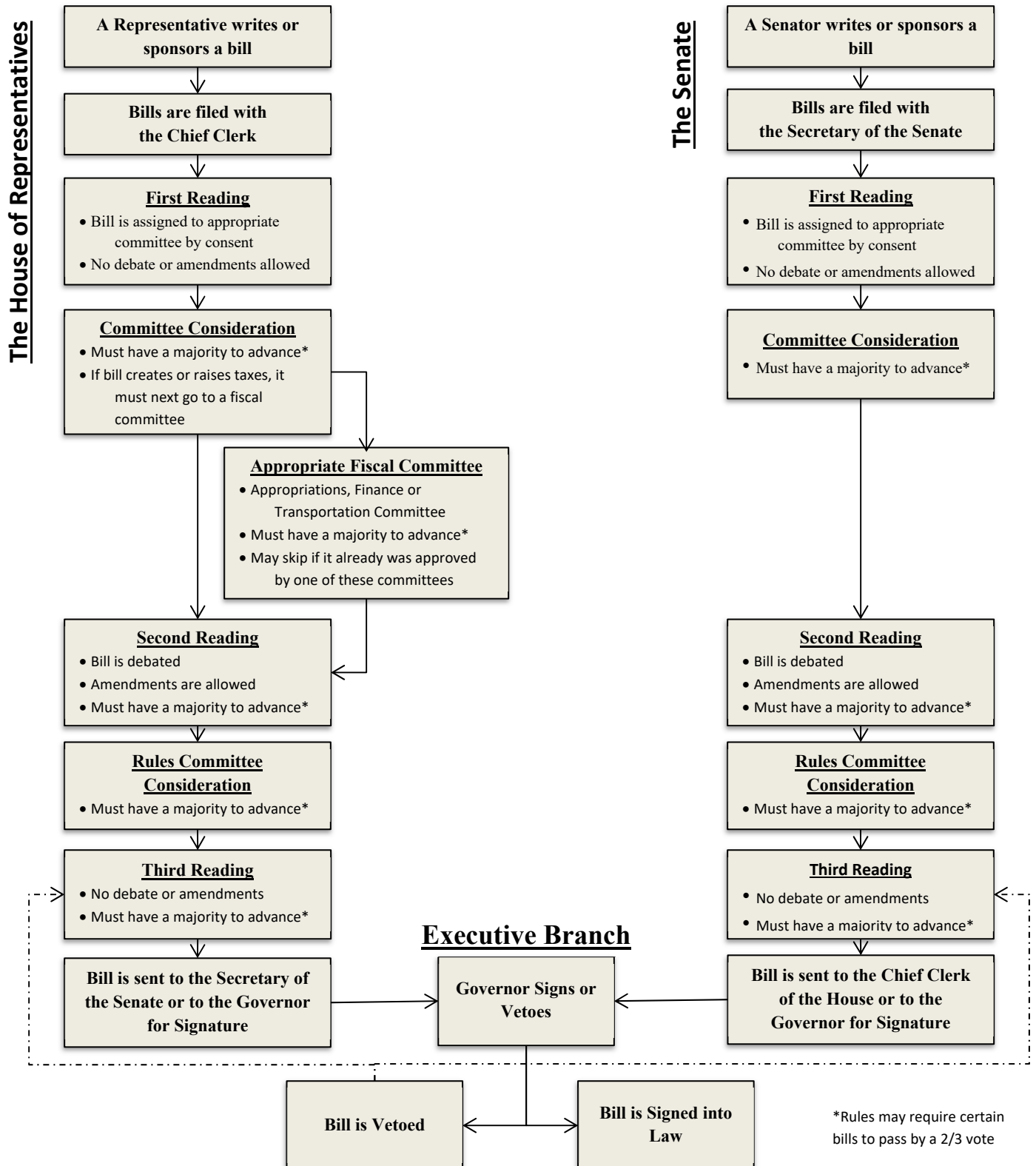
## **Each Chamber Judge of Its Own Membership**

**Joint Rule 16.** Each chamber of the legislature is the judge of the qualifications and election of its members.

## **Amendments to Joint Rules**

**Joint Rule 17.** These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each chamber, provided two days' notice be give of the motion thereof

# How a Bill Becomes Law



# Rules of the Senate

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## SECTION I OFFICERS AND MEMBERS

### Duties of the President

**Senate Rule 1.** The president shall take the chair and call the senate 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.

The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing, and this prohibition shall be enforced in the same manner as any other breach of order and decorum.

The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

The president shall, in open session, sign all acts, addresses and joint resolutions, all of which shall be attested by the secretary.

The president shall appoint all conference, special, joint, and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint, and standing committees shall be confirmed by the senate.

The president shall, on each day, announce to the senate the business in order.

The president shall decide and announce the result of any vote taken.

When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill.

### President Pro Tempore

**Senate Rule 2.** Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The president pro tempore shall serve as the vice chair of the committee on rules.

A "majority caucus" is a caucus whose members constitute a majority of the senate and may include members from different political caucuses. The establishment of a majority caucus is evidenced by a majority of the members of the senate demonstrating the intent to caucus together and to lead the senate. Those members not part of the majority caucus constitute the minority caucus or caucuses.

Secretary of the Senate

### Secretary of the Senate

**Senate Rule 3.** The senate shall elect a secretary from clerks assigned to the senate by the Evergreen Boys State staff to assist in senate operations.

The secretary is the Personnel Officer and shall organize senate clerks and assign duties to assist in senate operations.

### Sergeant at Arms

**Senate Rule 4.** The President of the Senate shall select a Sergeant at Arms from clerks assigned to the senate by the Evergreen Boys State staff to assist in senate operations.

The Sergeant at Arms shall not admit to the floor of the senate any person other than persons specifically requested by a Senator, the President of the Senate, or members of the Evergreen Boys State staff.



## **Conduct of Members and Officers**

**Senate Rule 5.** Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. Food and drink are prohibited within the senate chamber during floor session, except that members may drink water at their floor desks. The use of cellular or digital telephones is prohibited within the senate chamber during floor session and within a hearing room during a committee hearing.

In cases of breach of decorum or impropriety, any senator, officer, or other person shall be liable to such censure or punishment as the senate may deem proper.

If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall call that senator to order, and a senator so called to order shall resume the senator's seat.

No senator shall be absent from the senate without leave, except in case of accident or sickness.

In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate.

## **SECTION II OPERATIONS AND MANAGEMENT**

### **Admission to the Senate**

**Senate Rule 6.** The Sergeant at Arms shall admit only the following individuals to the floor of the senate:

- A. Members of the Senate
- B. Officers of the Senate
- C. Evergreen Boys State staff
- D. Persons invited into the senate by a vote of the chamber

### **Printing of Bills**

**Senate Rule 7.** The number of bills printed and reprinted shall be at the discretion of the Secretary of the Senate,

with the approval of the facilities and operations committee.

The Secretary of the Senate shall ensure that all bill information and status is current in the Evergreen Boys State for electronic display and visibility by Senators.

## **SECTION III RULES AND ORDER**

### **Time of Convening**

**Senate Rule 8.** The senate shall convene in accordance with the Evergreen Boys State schedule.

### **Quorum**

**Senate Rule 9.** A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business.

### **Order of Business**

**Senate Rule 10.** After the roll is called, and journal read and approved, business shall be disposed of in the following order:

- FIRST. Reports of standing committees
- SECOND. Reports of select committees
- THIRD. Messages from the governor and other state officials
- FOURTH. Messages from the house of representatives
- FIFTH. Introduction, first reading and reference of bills, joint memorials, joint resolutions, and concurrent resolutions.
- SIXTH. Second reading of bills.
- SEVENTH. Third reading of bills.
- EIGHTH. Presentations of petitions, memorials, and floor resolutions.
- NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.



## Motions and Senate Floor Resolutions

**Senate Rule 11.** No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded.

The senate shall consider no more than one resolution at a time.

## Precedence of Motions

**Senate Rule 12.** When a motion has been recognized by the chair the following motions are in order, respectively:

### PRIVILEGED MOTIONS

- Adjourn or recess
- Reconsider
- Demand for call of the senate
- Demand for roll call
- Demand for division
- Question of privilege
- Orders of the day

### INCIDENTAL MOTIONS

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

### SUBSIDIARY MOTIONS

- 1<sup>st</sup> Rank: To lay on the table
- 2<sup>nd</sup> Rank: For the previous question
- 3<sup>rd</sup> Rank: To postpone, to commit or recommit, to postpone indefinitely
- 4<sup>th</sup> Rank: To amend

## Voting

**Senate Rule 13.** In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. And no person will be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced.

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate.

The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor shall have the deciding vote on questions other than final passage of a bill.

The order of the name on the roll call shall be alphabetical by last name.

## Announcement of Vote

**Senate Rule 14.** The announcement of all votes shall be made by the president.

## SECTION IV

### PARLIAMENTARY PROCEDURE

## Rules of Debate

**Senate Rule 15.** When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, stand in place, and respectfully address the President. When recognized, he shall in a courteous manner speak to the question under debate, while avoiding personalities. No senator shall impeach the motives of any other member.

Senate debate rules are as follows:

- A Senator wishing to speak will stand and be recognized by the Chair.
- Pages are for the delivery of messages only. They are not to be used for personal errands, such as getting food and beverages.
- Debate is limited to 1 minute per bill.
- Each senator speaking for or against a bill will be allowed a maximum of two minutes.
- There will be three pro speakers and three con speakers allowed per bill.
- The first speaker for a bill will be the primary sponsor of the bill.
- The primary sponsor will be allowed a one-minute closing statement.
- There will be no more than three questions per bill and no questions during the closing statement.
- There will be no more than two amendments per bill. An amendment to an amendment will count as two.
- There will be two pro speakers and two con speakers allowed per amendment. They will each have a one-minute time limit.

## **Point of Order – Decision Appealable**

**Senate Rule 16.** Every decision of points of order by the president shall be subject to appeal by any senator and discussion of a question of order shall be allowed. In all cases of appeal, the question shall be: “Shall the decision of the president stand as the judgement of the senate?”

## **Question of Privilege**

**Senate Rule 17.** Any senator may rise to a question of privilege and explain a personal matter, but shall not discuss any pending questions in such explanation.

A question of privilege shall involve only subject matter which affects the particular senator personally.

## **Suspension of Rules**

**Senate Rule 18.** A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover or the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

## **Yeas and Nays – When Must be Taken**

**Senate Rule 19.** The yeas and nays shall be taken when called for and every senator present shall vote unless excused by the unanimous vote of the members present.

## **SECTION V COMMITTEES**

### **Committee Appointment**

**Senate Rule 20.** The president shall appoint all conference, special, joint, and standing committees on the part of the senate. The appointment of the committees shall be confirmed by the senate.

### **Standing Committees**

- Agriculture, Water & Environment
- Financial Institutions & Insurance
- Education
- Human Services, Health & Housing
- Law & Justice
- Natural Resources & Energy
- Rules
- Trade, Economic Development & Labor
- Transportation
- Ways & Means

### **Subcommittees**

**Senate Rule 21.** Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof for subjects within the jurisdiction of the standing committee.

### **Duties of Committees**

**Senate Rule 22.** The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specifically represented by the committee, and from time to time present such bills and reports as in their judgement will advance the interests and promote the welfare of the people of the state.

### **Committee reports**

**Senate Rule 23.** Committees will indicate on each bill one of the following: Do Pass. Do Not Pass. Do Pass as Amended, or Indefinitely Postpone.

### **Committee Rules**

**Senate Rule 24.** During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public.

No committee shall amend a measure, adopt as substitute bill, or vote upon any measure or appointment absent a quorum. A majority of the committee shall constitute a quorum.

No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy.

### **Recalling Bills from Committees**

**Senate Rule 25.** Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed.

### **Bills Referred to Rules Committee**

**Senate Rule 26.** All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate.

### **Appropriation Budget Bills**

**Senate Rule 27.** No amendment to the operation budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of senators elected or appointed.

## **SECTION VI**

## **BILLS, RESOLUTIONS AND MEMORIALS**

### **Definitions**

**Senate Rule 28.** "Measure" means a bill, joint memorial, joint resolution, or concurrent resolutions.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

### **Introduction of Bills**

**Senate Rule 29.** All bills, joint resolutions, and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same.

To be considered during a regular session, a bill must be introduced at least 4 hours before final adjournment of the legislature, unless the legislature directs otherwise

by a vote of two-thirds of all members elected to each chamber.

### **Reading of Bills**

**Senate Rule 30.** Every bill shall be read on three separate occasions unless the senate deems it expedient to suspend this rule. Except for bills that create a new tax, this rule may be suspended by a majority vote.

### **First Reading**

**Senate Rule 31.** 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, bills shall be referred to an appropriate committee.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate.

### **Second Reading/Amendments**

**Senate Rule 32.** Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading; provided, that any bill that creates a new tax shall require the affirmative vote of two-thirds of the senators elected or appointed to advance to third reading.

### **Third Reading**

**Senate Rule 33.** Bills on third reading shall be read in full by sections, and no amendments shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected or appointed to the senate must be recorded thereon as voting in its favor to secure its passage.

# Jurisdictions of Senate Committees

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## **Agriculture, Water & Environment**

The Agriculture, Water & Environment Committee considers issues relating to agricultural production and marketing; water issues; and environmental issues including water and air quality, the State Environmental Policy Act, the Shoreline Management Act, oil spill prevention, recycling and solid waste, hazardous waste, toxics, and climate change.

## **Financial Institutions & Insurance**

The Financial Institutions and Insurance Committee considers issues relating to insurances, including the activities of the Office of the Insurance Commissioner, the solvency of insurance companies, and the rates and practices of insurance companies. Financial service issues include the soundness of state banks and credit unions, the regulation of consumer credit and lending, and the regulations of securities and investments.

## **Education**

The Education Committee considers policy and finance issues related to schools and learning from birth through twelfth grade, as well as issues relating to the state's public and independent baccalaureate colleges and universities, public community and technical colleges, and private career schools.

## **Human Services, Health & Housing**

The Human Services, Health & Housing Committee considers issues relating to services to children and family, including child welfare and foster care; healthcare services and long-term care; licensing and regulation of healthcare facilities and professions; pharmaceutical drugs, including medical marijuana; financing of public and private healthcare; mental health treatment and chemical dependency; at risk youth and juvenile justice. The Committee also considers bills relating to housing.

## **Law & Justice**

The Law and Justice Committee considers a wide variety of subjects relating to civil and criminal law, including issues involving public safety, law enforcement, sentencing, and corrections. Civil Law topics include commercial law, probate, firearms, eminent domain, and Consumer Protection Act remedies and processes. The Committee also oversees family issues such as marriage, child support and adoption.

## **Natural Resources & Energy**

The Natural Resources and Energy Committee considers issues related to fisheries and wildlife, as well as mining, forest practices, and forest fire protection. The Committee also considers issues relating to the availability, production, and conservation of energy. In addition, the Committee oversees parks and recreation and issues related to aquatic lands and the management of certain state-owned lands.

## **Rules**

The Rules Committee considers all bills reported from policy and fiscal committees and determines whether, and in what order, to schedule their consideration on the Senate floor by the full Senate.

## **Trade, Economic Development & Labor**

The Trade, Economic Development and Labor Committee considers issues relating to international trade, economic development incentives, technical assistance to businesses, tourism, telecommunications, employment standards, unemployment insurance, and collective bargaining. The Committee also considers issue related to alcohol, tobacco, cannabis, and gaming.

## **Transportation**

The Transportation Committee considers issues relating to transportation policy, the transportation budget, and revenue sources for transportation funding.

## **Ways & Means**

The Ways and Means Committee considers the operating and capital budget bills and related legislation, including the authorization of state debt. The Committee also deals with tax policy and other fiscal issues such as pension policy and compensation in addition to bills with operating budget fiscal impacts.

*Please note: These are general descriptions and should not be considered the definitive listing of all issues considered by any one committee.*

# Rules of the House of Representatives

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## Definitions

**House Rule 1.** “*Absent*” means and unexcused failure to attend.

“*Term*” means the term during which the members as a body may act.

“*Session*” means a constitutional gathering of the house in accordance with the state constitution.

“*Committee*” means any standing, conference, joint, or select committee as so designated by rule or resolution, and also means any standing committee subcommittee.

“*Fiscal committee*” means the appropriations, finance, and transportation committees.

“*Bill*” means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

## Election of Officers

**House Rule 2.** 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. 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.

## Powers and Duties of the Speaker

**House Rule 3.** 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 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 arms to restore order.

C. The speaker may speak to points of order in preference other members and shall decide all questions of order subject to an appeal to the house by any member, on which no member shall speak more than once.

D. The speaker shall sign all bills in open session.

E. 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 to sign any documents requiring signature of the speaker.

F. The speaker shall appoint committee chairs as selected by the majority party caucus, 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.

G. The speaker shall serve as chair of the rules committee.

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

## Chief Clerk

**House Rule 4.** The house shall elect a chief clerk from clerks assigned to the house by the Evergreen Boys State staff to assist in house operations.

The chief clerk is the Personnel Officer and shall organize senate clerks and assign duties to assist in senate operations. In the event of the chief clerk’s inability to act, the speaker may appoint an acting chief clerk.

## Admission to the House

**House Rule 5.** The Sergeant at Arms shall admit only the following individuals to the floor of the House:

- Members of the house
- Officers of the house
- Evergreen Boys State staff
- Persons invited into the house by a vote of the chamber

## **Chief Clerk**

**House Rule 6.** No member shall be absent from the service of the house without leave from the speaker.

## **Bills, Memorials and Resolutions - Introductions**

**House Rule 7.** Any member desiring to introduce a bill shall file the same with the chief clerk.

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 number each bill in the order filed.

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

No house bill may be introduced that is identical to any other pending house bill.

## **Reading of Bills**

**House Rule 8.** Every bill shall be read on three separate occasions.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules.

A. FIRST READING – the first reading of a bill shall be by title only unless a majority of the members present shall 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.

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

C. THIRD READING – Only the last line of bills shall be read on the 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.

D. HOUSE RESOLUTIONS – House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. The rules committee may adopt house resolutions by a sixty percent majority vote and place them for consideration by the house. House resolutions are not subject to debate.

## **Amendments**

**House Rule 9.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 8 and as follows:

A. AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment; and no bill or resolution shall at any time be amended to incorporate any other bill or resolution pending before the house.

B. 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.

## **Final Passage**

**House Rule 10.** A bill may be recommitted at any time before its final passage.

No bill shall become a law unless on its final passage the vote be taken by yeas and nays, and a majority of the members elected to each house be recorded thereon as voting in its favor.

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**

**House Rule 11.** The speaker shall call the house to order at the start of each session in the Evergreen Boys State schedule.

Before proceeding with business, the roll of the members shall be called and the names of those absent or excused recorded. A majority of all the members elected or appointed must be present to constitute a quorum for the transaction of business.

## Daily Calendar and Order of Business

**House Rule 12.** Business of the house shall be disposed of in the follow in order:

FIRST. Roll call, presentation of colors, prayer, and approval of the journal

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.

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

## Motions

**House Rule 13.** No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded.

When a motion has recognized by the chair the following motions are in order, in the rank named:

### PRIVILEGED MOTIONS

- Adjourn
- Recess
- Reconsider
- Demand for division
- Question of privilege
- Orders of the day

### SUBSIDIARY MOTIONS

- 1<sup>st</sup> Rank: Question of consideration
- 2<sup>nd</sup> Rank: To lay on the table
- 3<sup>rd</sup> Rank: For the previous question
- 4<sup>th</sup> Rank: To postpone, to commit or recommit, to postpone indefinitely
- 5<sup>th</sup> Rank: To amend

### INCIDENTAL MOTIONS

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

## Members Right to Debate

**House Rule 14.** 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.

When two or more members arise at once, the speaker shall name the one who is to speak.

No member shall speak longer than set time limits established by the house without consent of the house.

No member may speak more than once on the same question without consent of the house.

## Rules of Debate

**House Rule 15.** Any member may rise to a question of privilege and explain a personal matter, but the member shall not discuss any pending question in such explanation.

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.

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.

If any member, in speaking or otherwise, transgresses the rules of the house the speakers shall 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.

## Ending of Debate – Previous Question

**House Rule 16.** 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 by the speaker: "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'."

## Voting

**House Rule 17.** 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 of ordering the previous question will say 'Aye;,' as many as are opposed will say 'No'."

Every member who was in the house when the question was put shall vote unless excused by the house.

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.

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.

An oral roll call shall be ordered when demanded by one-sixth of the members present.

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

In case of an equal division, the question shall be lost.

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

## Reconsideration

**House Rule 18.** A motion for reconsideration on the final passage of bills shall be made on the same day the vote to be reconsidered was taken and before the house has transmitted the bill to the senate.

Only members who voted on the prevailing side may move for reconsideration.

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

## Appeal from Decision of Chair

**House Rule 19.** The decision of the chair may be appealed by any member, on which no member may speak more than once. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

## Standing Committees

**House Rule 20.** The standing committees of the house shall be as follows:

- Agriculture & Natural Resources
- Appropriations
- Business & Financial Services
- Commerce & Gaming
- Community Development, Housing & Tribal Affairs
- Education
- Environment
- Finance
- Healthcare & Wellness
- Labor
- State & Local Government
- Public Safety
- Rules
- Technology & Economic Development
- Transportation

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





## Duties of Committees

**House Rule 21.** A majority recommendation of a committee must approve before a bill, memorial, or resolution may be reported out.

Every vote to report a bill out of committee shall be taken by the yeas and nays.

All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

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

Standing committee subcommittees have the same powers and responsibilities as standing committees.

As far as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation.

## Vetoed Bills

**House Rule 22.** Veto messages of the governor shall be read in the house. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration.

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 of more of which has been vetoed by the governor, each section or item so vetoed 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.

## Suspension of Rules

**House Rule 23.** Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present.

**NOTES:**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

# Jurisdictions of House Committees

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## **Agriculture & Natural Resources**

The Agriculture & Natural Resources Committee considers issues relating to agricultural production, marketing, and sales; animal and plant disease control; fisheries and wildlife; forest practices and forest fire protection; water; and mining. The committee also considers the management of certain state-owned lands.

## **Appropriations**

The Appropriations Committee considers the operating budget bill and related legislation, budget processes, and fiscal issues such as pension policy and compensation. The committee also considers bills with operating budget fiscal impacts except those bills with limited fiscal impacts assigned to General Government & Information Technology.

## **Business and Financial Services**

The Business & Financial Services Committee considers the licensing and regulation of businesses and professions (except for health care and law-related professions). The committee also considers issues relating to insurance, including the activities of the Office of the Insurance Commissioner and the Pollution Liability Insurance Agency, the solvency of insurance companies, and the rates and practices of insurance companies. Financial services issues include the safety and soundness of state banks and credit unions, the regulation of consumer credit and lending, and the regulation of securities and investments. The committee also considers consumer protection issues relating to motor vehicles, financial services, and insurance.

## **Commerce and Gaming**

The Commerce & Gaming Committee considers issues relating to commerce in alcohol, tobacco, and cannabis, including licensing, regulation, and taxation, and issues relating to the regulation and oversight of gaming, including tribal compacts.

## **Community Development, Housing & Tribal Affairs**

The Community Development, Housing & Tribal Affairs Committee considers issues relating to community development, veterans, tourism, and the government-to-government relationship of the state and Indian tribes. The committee also considers bills relating to housing, including the accessibility and affordability of housing, state assistance to low-income housing, housing authorities and the Housing Finance Commission.

## **Education**

The Education Committee considers issues relating to kindergarten through twelfth grade (K-12) education. The Committee also considers issues relating to the state's public and independent baccalaureate colleges and universities, public community and technical colleges, and private career schools. Issues include governance and coordination of higher education, financial aid, tuition, distance learning, workforce development and the licensing of private colleges and career schools.

## **Environment**

The Environment Committee considers issues relating to the State Environmental Policy Act, the Shoreline Management Act, air quality, aquatic lands, oil spill prevention, recycling and solid waste, hazardous waste, toxics, climate change, and parks and recreation. The committee also oversees the Puget Sound Partnership's activities in Puget Sound and Hood Canal.

## **Finance**

The Finance Committee considers issues relating to state and local revenues, such as increases or decreases in taxes, exemptions from taxes, and changes in the administration of taxes. (Note: Issues involving alcohol, tobacco, and liquor taxes are usually considered first by the House Commerce & Gaming Committee. Issues involving revenue for transportation purposes, such as gasoline taxes, are usually considered by the House Transportation Committee.)

## **Healthcare & Wellness**

The Health Care & Wellness Committee considers a broad range of issues relating to the provision of physical and adult behavioral health care services, long-term care, and strategies to promote better health. Health care service issues include the licensing and regulation of health care facilities and the credentialing of health care providers. The committee also regulates pharmacies and pharmaceutical drugs and has oversight and regulatory responsibility for state and local public health programs. The committee also considers issues relating to the accessibility and affordability of health care in both the private health insurance market and public health programs such as Medicaid and the basic health plan.

## **Judiciary**

The Judiciary Committee considers a wide variety of subjects relating to civil and criminal law, including issues involving commercial law, torts, probate, guardianships, civil commitment, firearms, eminent domain, landlord/tenant law, Consumer Protection Act remedies and processes, and courts and judicial administration; and family law issues such as marriage, marriage dissolution, child support and adoption.

## **Labor**

The Labor & Workplace Standards Committee considers issues relating to industrial insurance, unemployment compensation, collective bargaining, family leave, safety and health standards, and employment standards such as wage laws and employment discrimination. The committee also considers issues relating to the building and construction trades, and apprenticeships.

## **State & Local Government**

The State and Local Government Committee considers issues relating to the processes of state government, including state agency rulemaking; procurement standards; e-government and public employment; and

issues relating to the operations and financing of counties, cities, and some special districts. The committee also considers issues relating to elections, campaign finance, public disclosure and ethics in government.

## **Public Safety**

The Public Safety Committee considers issues relating to law enforcement agencies, crime prevention, criminal penalties and sentencing, impaired driving, registration and civil commitment of sex offenders, adult correctional programs and institutions, and state and local government preparedness to respond to public emergencies.

## **Rules**

The Rules Committee considers all bills reported from policy and fiscal committees and determines whether, and in what order, to schedule their consideration on the floor of the House. The Rules Committee also reviews, adopts, and schedules consideration of floor resolutions.

## **Technology & Economic Development**

The Technology & Economic Development Committee considers issues relating to technology and electronic communications, small business assistance, business financing, and the development of industry clusters, international trade and technology-driven jobs. The committee also considers issues related to renewable energy standards and energy availability, production, and conservation.

## **Transportation**

The Transportation Committee considers the transportation budget, revenue sources for transportation funding, and issues relating to transportation policy and transportation agencies, including the Department of Transportation and the Washington State Patrol.

*Please note: These are general descriptions and should not be considered the definitive listing of all issues considered by any one committee.*

# Fundamentals of the Judicial Branch

Evergreen Boys State operates a court system that is modified from that used in the state of Washington. Whereas the state of Washington operates courts at city, county and state levels of government, Evergreen Boys State operates two courts. The Evergreen Boys State court system consists of four (4) state Superior Courts and one (1) state Supreme Court. The modified form used by Evergreen Boys State is necessary due to the limited time available in the one-week program. While the system is modified, delegates who become involved in the judicial branch of Evergreen Boys State government should experience both a working understanding of how both trial and appellate courts function and an appreciation of the role of courts in the lives of citizens and their relationship to their government.

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## Chapter I: Courts Overview

### The Superior Court

The Superior Court is the highest trial court in the state. Superior courts conduct trials of both a criminal and civil nature. A criminal trial is one wherein a prosecuting attorney charges (accuses) a citizen of having committed a criminal offense. If convicted at such a trial, the person charged could face punishment that may include jail or prison time and/or fines and other costs as allowed by the law. Most states have laws that even permit a penalty of death for the most serious crimes. All other trials and cases that are not criminal cases are known as civil cases. Civil cases come in all types. Examples of civil cases are divorces, claims for damages resulting from auto accidents, lawsuits against another person or public official in which a citizen claims the state or its officials has acted in an unlawful or unconstitutional manner, employment discrimination, and disputes between landlords and their tenants, just to name a few.

Each county has one superior court. The voters who reside in the county elect the judges of that jurisdiction's superior court. Even though the county voters elect the judge, each superior court has what is called statewide jurisdiction. That means the decision of a superior court is binding upon all those persons and state officials who are parties to the case being heard. Even the state itself can be sued in a superior court and the court's decision is binding and enforceable against the state unless or until a higher court

(Evergreen Boys State Supreme Court) renders a different ruling than did the superior court.

The constitution guarantees all citizens the right to have all civil lawsuits and criminal trials decided by a jury. The parties can give up their right to a trial by jury and have the judge decide the case if they wish. Because of the short period of time available for instruction and the greater complexity of jury trials, Evergreen Boys State superior courts will try all cases and issues in bench trials (without a jury). The part that each participant in a trial plays and how the court conducts its trial business will be explained in greater detail in a later chapter.

### The Supreme Court

The Supreme Court is the highest court in a state. Each citizen is guaranteed the right, when they believe a superior court has not decided a case correctly, to appeal the trial court's decision to a higher court. Prior to 1969 Washington had only one court where cases could be appealed - the state supreme court. Because of the increase in population, the Supreme Court workload was more than the court could handle. So, in 1969, the state began to operate three lower-level courts called Courts of Appeal. The state was divided into three regions and all appeals of cases tried in a region could be appealed to that region's court of appeals. Because of time constraints and the small population of Evergreen Boys State, there are no courts of appeal, and all appeals go directly to the Supreme Court of Evergreen Boys State.

The Supreme Court, unlike the superior courts, is not a trial court. And so, a Supreme Court never has a jury trial, nor

does it hear direct testimony. All cases heard by the Supreme Court are decided only by the arguments of the attorneys appearing in the case and are based upon the record of trial and facts developed at the trial held in the superior court. And unlike a superior court, which has one judge, the Supreme Court has nine judges (called Justices).

The way in which the Supreme Court conducts its business will be discussed in greater detail in a later chapter.

## Court Forms

Courts use specialized forms. Copies of the forms used in the Evergreen Boys State court system will be provided upon request and necessity.

Delegates who attend the EBSU School of Law will receive instruction on the use of these forms. For the most part, the forms are self-explanatory. They have been prepared to save delegates time in preparation and they are in a "fill in the blank" format.

## The Elements of a Case

Probably the most important principle for any judge or attorney to understand in carrying out their trial work is the concept of "the elements of the case". Winning a criminal or civil case depends upon whether or not the required elements are present to permit application of the law. The elements are obtained by breaking down any law into its smallest parts. Each of those parts must be proven to exist before the law applies to the case. The elements are usually discovered by carefully studying the exact language of the law involved. For example, assume the state of Evergreen passes a law, which states the following:

***Burglary of a Residence:*** *It is unlawful for any person to enter the dwelling house of another in the nighttime with the intent to commit a crime therein. Any person found guilty of such an offense may be punished by imprisonment not to exceed 20 years and a fine of not more than \$20,000, or both such fine and imprisonment.*

The elements necessary to prove the crime are found in the language of the statute. It is suggested that you examine the statute closely and identify each element, which a prosecutor must prove to win such a case. (Because a law is valid only inside the borders of the

particular government which passes the law, there is always a hidden element, not found in the law. That element is that the act(s) alleged was committed within the jurisdiction of the court. In this example that element is that the act was committed inside the State of Evergreen.) **Check your elements against the answers provided at the end of this article.**

Civil cases require a similar analysis. All participants in a trial must be aware of them so a plaintiff can prove his case and/or that a defense counsel can be attentive to the evidence presented by the plaintiff. If each element is not proven, the defense attorney must argue that his client should prevail since the other side did not establish all of the elements of the case.

# Chapter II: The Superior Court

## The Burden of Proof

In the American system of justice, there is a concept known as the "burden of proof". This concept requires that whoever files a lawsuit against another party has the obligation to prove their case. In criminal cases, it is the prosecuting attorney who accuses someone of having committed a crime and the prosecutor therefore has the burden of proving that the person did so. In civil cases, it is the plaintiff who starts the lawsuit and therefore the plaintiff has the burden of presenting evidence that convinces the court that the plaintiff is entitled to win the case.

Our courts have different burdens of proof in criminal than in civil cases. A criminal case has the most serious ramifications for a citizen. A person convicted of a crime may lose the right to liberty and be sent to prison or possibly be executed. A convicted felon also loses other very important rights such as the right to vote, to own weapons and, in some cases, the ability to find employment. Because of the serious consequences of a criminal conviction, the law requires that all criminal cases be proven "beyond a reasonable doubt". This is the highest form of proof employed in the law. It is sometimes equated with being 90% to 95% sure that the person is guilty.

In civil cases, the consequences are usually the loss of property or money, which while serious, is not as serious as the ramifications of a criminal conviction. In civil cases there is a lower "burden of proof" called "a preponderance of the evidence". A preponderance of the evidence means that a judge at Evergreen Boys State must be satisfied that the evidence establishes that the plaintiff's assertions of fact are "more probably true than not true". This is sometimes equated with being 51% sure that the facts necessary to prove the plaintiff's case are true.

In real life there are other burdens of proof besides "beyond a reasonable doubt" and "by a preponderance of the evidence". For example, if the state seeks to take children away from their parent(s) because they are believed to be unfit to raise children, the burden is by "clear and convincing evidence" which is in between the two other burdens discussed in this section. Evergreen Boys State will not deal with any of these other types of cases, so you need not concern yourselves with other thresholds of burdens of proof.

## **The Purpose of a Trial Wherein Facts are Disputed**

Our system of government is often referred to as a government of laws and not men. That means that government declares through its constitution and laws passed by the legislature which principles apply to regulate the way citizens must conduct themselves in relation to each other and how citizens and governments are required to deal with each other. All citizens are required and expected to know what the laws are (even though in reality that often does not occur). By knowing what the laws are ahead of time, citizens and government are expected to know how they should deal with each other before they act. And, if they fail to act in the way prescribed by the law, they will at least be expected to know what the consequences to them and their property may be. For example, the law says that a driver must stop his car at a red traffic light. If a driver fails to do so, the law says that the driver must pay a fine. And if, in failing to stop, the driver crashes into another vehicle that is driving lawfully, the law says the guilty driver must pay for all the repair costs to repair the innocent driver's car.

The purpose of a trial, whether at Evergreen Boys State or in a real courtroom, is to determine what the true facts of a particular dispute are and then to apply those facts to the law. In that way, this dispute is resolved by a court decision which is called an order or judgment.

Our system of justice operates on what is called the "adversary system" of justice. The adversary system presumes that the best way to allow the court to determine the true facts in a dispute is to have lawyers who oppose each other present the facts and argue over the application of the law most favorable to their client. Human nature is such that two or more people may experience an event and perceive facts differently. If an impartial person (a judge or a jury) can hear the perspectives of the competing sides in a case, it is believed that what truly happened is best able to be determined.

After a court hears all the evidence and makes a decision as to what actually happened in a particular case, then the court looks to the law that applies in the dispute and decides how the dispute should be resolved.

Using the example of the red traffic light situation, how a trial is conducted can be better explained. Let us say that a police officer investigates the accident and concludes that Driver A drove through a red light and gives him a ticket. In addition, Driver B claims he was proceeding through a green light and Driver A ran into the side of his car and did \$1,000 worth of damage. Driver A might be of the opinion that he did not go through a red light and claim that the light was amber when he entered the intersection, and that Driver B jumped the gun and drove into the intersection before the lights changed. The policeman's opinion might be based not only on his questioning of both Drivers A and B, but also on the fact that the policeman interviewed a witness or two who rendered an opinion that the light for Driver A was red.

This fact situation could result in their being two trials. One trial is a criminal trial wherein Driver A must appear and have the court decide whether or not he violated the law and ran a red light. A second trial could be wherein Driver B sues driver A seeking that the court order Driver A to give him \$1,000 for the repair of his car.

How these trials are conducted will be discussed in the next section of this chapter. At this point it should just be

emphasized that the purpose of the two trials is to decide whether or not Driver A did in fact run the red light, and if he did what punishment should be imposed by the criminal trial for the violation of law. And, in the civil trial, whether or not Driver A should pay Driver B for the damages to the car, and if so, how much should be paid.

## **The Conduct of a Trial in which Facts are in Dispute**

The order in which a trial proceeds is as follows:

1. Plaintiff attorney makes an opening statement, which informs the judge what plaintiff expects the evidence will be in the case.

2. Defense attorney makes an opening statement.

3. Plaintiff calls witnesses. When plaintiff is finished asking questions of a witness, the defense attorney then asks questions on cross-examination. (The purpose of cross-examination is to get clarification of the testimony and to attack the credibility of the witness or his ability to accurately relate what happened.)

4. When plaintiff has called all the witnesses, the plaintiff states "Plaintiff rests, your honor".

5. The defense attorney then calls any defense witnesses and after each testifies, the plaintiff's attorney can cross-examine them.

6. When the defense has finished calling its witnesses, the attorney states "The defense rests, your honor."

7. The plaintiff attorney then argues the case. The argument is designed to summarize the case and the attorneys should point out what the evidence has established, why certain witnesses should or should not be believed and why the judge should find in favor of the plaintiff.

8. The defense attorney then argues the case in the same manner.

9. Since the plaintiff has the burden of proof, the plaintiff is allowed to argue one more time. This is called "final argument." Final argument is not for the purpose of arguing new matters, but solely to give the plaintiff the

chance to address and rebut what the defense attorney has just argued.

10. The judge then either makes a decision at that time or recesses the court to "take the case under advisement" and render decision at a later time. When the judge is ready to announce the decision after a recess, the judge re-enters the courtroom to announce his decision from the bench.

➤ **To illustrate** how a trial with contested facts might proceed, let us return to the example of the traffic accident. The attorneys will fully investigate the case and interview all the witnesses and persons involved, including the investigating officer. Let us assume that the officer states that both drivers appeared to be alert and truthful in their respective beliefs as to what happened. The officer may have decided to issue a ticket because he believed the witness who said he observed driver A run the red light.

If the judge believes that the witnesses' testimony is persuasive, then he would find the defendant guilty in the criminal case. Likewise, in the civil case, Driver A could be ordered to pay for Driver B's repairs costs. But if Driver A's attorney during investigation discovered that the witness had poor vision and was not wearing glasses at the time, then this would be something the attorney for Driver A would bring up during his cross examination of the witness. This might be enough to cause the judge to doubt the accuracy of the witness's testimony that Driver A ran the red light.

Many other facts might be discoverable to challenge a witness's testimony. For example, what if the witness is a friend or relative of Driver B? What if just before the accident the witness was distracted and only turned around to see that the light was red upon hearing the crash? What if either the witness or Driver B is colorblind and cannot tell the difference between red and green? What if the prosecutor discovers that Driver A is known to be an untruthful person in the neighborhood in which he lives? There are many possibilities that could persuade the judge in such cases. The main point is that a good attorney never relies on the claimed facts. Attorneys must always investigate carefully all of the possible facts of a case and plan their cases carefully.

## **The Purpose of a Trial in which the Facts are not Disputed**

Sometimes the parties to an incident do not disagree on the facts in a particular dispute. In our auto accident example, it might be that the two drivers agree that Driver A ran the red light. In such a case, the court does not have to have a trial to determine the facts since everyone agrees. An abbreviated trial might take place wherein the only responsibility of the court is to accept as true the agreed upon facts, to compare those facts to the law and render an opinion. In the example, the trial at the superior court level is much like what takes place at a court of appeals or the Supreme Court. The attorneys will come to court and state for the court what the agreed upon facts are and will only argue what law should apply to the agreed upon facts. After oral argument by the attorneys, the judge then renders an opinion.

Many disputes between citizens and government are decided in this abbreviated way. For example, let us assume that a state passes a law that says it is unlawful for anyone to own or possess a gun. A citizen may go to an attorney to complain that the state law is in violation of the citizen's rights. The attorney would be expected to know that two conflicting laws could apply to the case. One law is that provided for in the Second Amendment to the U.S. Constitution which says that no law shall be passed that, infringes upon the right of the people to keep and to bear arms. Another law says that governments can pass laws which enhance or protect public welfare and safety. If a lawsuit was initiated by the citizen, the two sides (i.e., the citizen and the state) could agree on all of the pertinent facts of the case, but the lawyers would disagree on which should be the controlling law. The lawyer for the citizen could argue that the Second Amendment should prevail while the state's attorney could argue that the law on public safety should prevail.

The judge would have to decide which law controlled and make a ruling either upholding the gun law or declaring the gun law to be unlawful and a violation of the U.S. Constitution. When the superior court judge decides the case, the losing side might strongly believe the judge was wrong and decide to appeal the case to the Supreme Court. A discussion of how the Supreme Court operates is discussed later in the next chapter.

## **Conduct of a Trial in which the Facts are not Disputed**

If the facts of a particular case are not in dispute, a trial is not as involved. When the judge enters the courtroom and the clerk calls out the name of the case to be heard, the attorney for the plaintiff will rise and recite for the judge the facts that are undisputed.

After doing so, the plaintiff's attorney will then argue in a similar way as one would before the Supreme Court. The attorney argues what the law is or should be in the particular case and why the judge should decide the case in favor of the plaintiff. The judge may wish to interrupt the argument to get clarification or to ask questions, which the judge thinks are important in deciding the case. When the plaintiff's attorney has concluded, the defense attorney will argue the defense case in the same manner. Since the plaintiff has the burden of proof, the plaintiff is allowed to give a final argument to refute those matters raised by the defense attorney in argumentation.

When the arguments are completed, the judge will either make his decision immediately or recess to consider the case. The judge will return to court following deliberation and announce the verdict from the bench. The judge will be responsible for writing the decision and must give the written opinion to the clerk who will place it in the case file maintained by the court clerk.

## **Rules of Evidence**

All trials are conducted subject to certain rules of evidence. Because not all delegates will be involved in acting as attorneys or judges, there is no need to have a copy of the rules of evidence in this manual. Copies of the rules of evidence will be made available to attorneys who will be arguing and trying cases, and to the elected judges and Justices of the Supreme Court. If you have a need for a copy of the rules of evidence, you can find them with the clerks of the courts.

The rules of evidence for Evergreen Boys State are similar to those used in real trials. The rules have been developed over hundreds of years going all the way back to medieval England. They are designed to guarantee as fair a trial as possible to both sides in a case. They were also designed to



prevent witnesses from testifying to anything except those things the witness has personally observed or experienced through the senses. It is not possible in this manual to explain all of the reasons behind the rules of evidence and why they have been adopted. Suffice it to say that all delegates who participate in the judicial branch of government at Evergreen Boys State should become familiar with them before trying a case in which there are contested facts.

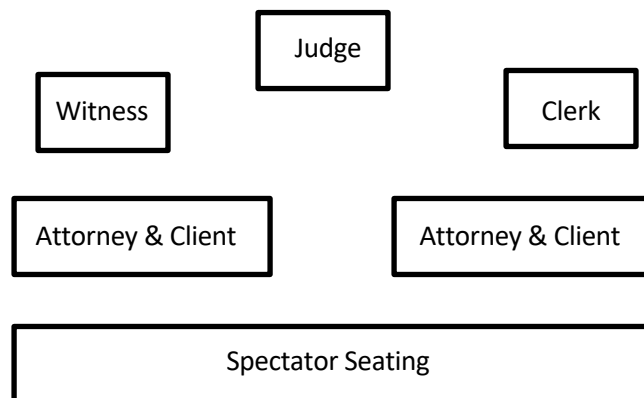
## The U.S. and Evergreen Boys State Constitutions

The U.S. Constitution is the supreme law of the land. That means all laws at the federal, state, county and city levels of government must not violate the terms of the constitution. The constitution of Evergreen Boys State is similarly the highest law in the state of Evergreen and no law can be passed in Evergreen, which violates the state constitution. All citizens who work in government should be aware of the provisions of both Evergreen State and the United States Constitutions. Lawsuits are emotionally and financially very expensive. Good public servants, whether in the executive or legislative branches of government, can do a great service if they prevent unconstitutional laws from being enacted.

A copy of the constitutions of the United States and the state of Evergreen are not contained in this manual. For those delegates who have a need to consider either of these documents, a copy can be reviewed either at your city hall or a court clerk's office. If you are unable to locate a copy for your review and study, please contact an Evergreen Boys State staff member who will assist you in obtaining a copy.

## Superior Court Configuration

A superior court is configured in such a way as to allow for an orderly presentation of a case. The diagram that follows depicts how a typical courtroom is organized:



## The Role of the Superior Court Judge

The citizens of the county in which the court resides, just like real superior court judges, elect superior court judges at Evergreen Boys State. A judge is elected specifically to administer justice under the law. Proper respect is due a judge because of the judge's knowledge and position. The judge must be in control of the courtroom at all times. A judge should not hesitate to admonish anyone who speaks out of turn or disrupts the courtroom. The judge has the authority to hold anyone in contempt of court if they speak out of turn or act in a discourteous or rude fashion. The judge can call on the sheriff to arrest any person whose conduct is undignified. A courtroom must be quiet so the judge and parties can hear what is being said. Every trial must be conducted without distraction. If the judge himself is reasonably dignified and serious about the court's business, the expectation is that others present will also be dignified.

The judge must pay close attention to the testimony of witnesses and the statements of attorneys. From those oral statements, the judge will be called upon to decide the case. The judge is expected to resolve in his own mind what testimony is to be believed and to correctly apply the law to the facts. A judge must always be impartial and decide

the case on the facts and the law, not on personalities, or who the judge likes the best or personally wishes to win.

In addition to deciding facts, the judge must rule on objections to the evidence being offered. If an attorney objects to a particular question (or to the admissibility of a particular document), the judge must rule on the objection. If the question is found by the judge to be objectionable, the judge says, "objection sustained" and the witness may not answer (or a document may not be admitted into evidence). If the judge determines that the question is not objectionable, the judge says, "objection overruled" and the answer can be given (or the document admitted into evidence). It is important that all judges review and become familiar with the rules of evidence.

## **The Role of the Attorney**

In our adversary system of justice, the duty of the attorney is to present client's side of the case. An attorney, in presenting a case, is legally and ethically bound to do so in an honest and truthful fashion. This means that while there may be legitimate disagreement on what occurred in a particular case, an attorney may never participate in putting forward facts or testimony which the attorney knows to be false. If an attorney was to do so, it could result in law license revocation and facing criminal charges. Each attorney is an officer of the court and must manifest conduct that is dignified and honest at all times. An attorney should set an example by rising whenever the judge enters and/or leaves the courtroom. An attorney must also be courteous to the opposing counsel. The obligation to be courteous, however, does not mean that a lawyer should not vigorously present and champion a client's case. If an attorney does not agree with a judge's ruling or decision, the attorney should never make that disagreement obvious by body language or facial expression. Such conduct can be considered contempt of court.

A lawyer should always be prepared. If the case involves a criminal charge, the attorney should be thoroughly familiar with the exact wording of the criminal statute, should interview all the witnesses with knowledge about the case and be prepared to call important witnesses and ask appropriate questions. Investigation should also be made as to whether or not the law in question was properly and

legally enacted. A lawyer should think about the meaning of the statute and know the elements of the offense. In civil, as well as criminal cases, the lawyer should be knowledgeable of the facts and the law, which should apply in the case.

Attorneys should be knowledgeable of the rules of evidence and be organized in the conduct of the case and in giving argument. When the opposing attorney is asking questions, an attorney must be alert and attentive to what is asked and answered. If an improper question is asked, he should not hesitate to stand and interrupt with an appropriate objection. An objection should be brief and state specifically why the question is objectionable.

For example, if a "leading" question is being asked, the objection would simply be "Objection your honor. Counsel is leading the witness". The judge may, if the question is clearly improper immediately say, "Sustained". Or, if the question is not clearly objectionable, the judge before ruling may ask the other attorney if he wants to be heard on the matter before the judge rules. An attorney should not ever argue with the judge about a ruling and must accept the ruling. If a mistake is made the issue can be appealed to the Supreme Court.

## **Role of the Clerk of the Superior Court**

The clerk of the superior court is responsible for receiving and keeping a record (called a docket) of all complaints, answers to the complaints and all other documents filed in the case with the court. If, after a trial is decided, one of the parties files a notice of appeal with the clerk, it is the clerk's responsibility to promptly send the entire file to the clerk of the Supreme Court. After a complaint is filed, proof is filed that a copy of the complaint and summons has been personally served.

When proof of service and an answer is received, then the case is ready to be scheduled for trial. The clerk is responsible for notifying the attorneys of the date and time when the trial will begin. When the attorneys are present in court and ready to proceed, the clerk informs the judge who then enters the courtroom. The clerk should announce when the judge enters the courtroom by saying: **"All rise! The superior court of (name of county) is now**



in session, the honorable judge (name of judge) presiding."

All present in the courtroom should remain standing until the judge is seated and the clerk then announces, "**You may be seated**". This procedure not only serves to point out that the judge is entitled to respect, but it also reminds everyone present that they are in a place where justice is administered and that the judge has the authority to decide the dispute before the court.

The clerk then calls out the name of the case, which is to be tried. The clerk is responsible for marking all exhibits that are used in the trial. All exhibits are marked in numerical order. If the plaintiff has the first exhibit marked it would be marked as "Plaintiff's Exhibit 1 for ID" (ID is short for identification). When the attorney offers the exhibit into evidence, and assuming that it is admitted by the judge, the clerk will then cross off the words "for ID" which is evidence that the exhibit was admitted. If the defense has the next exhibit marked, then it should be marked as "Defendant's exhibit 2 for ID."

Whenever the judge leaves the courtroom (at the end of the trial or for a recess break), the clerk should announce "all rise" and everyone will rise until the judge departs the courtroom.

## **Evergreen Boys State Court Rules**

### **General Provisions**

- A. These rules apply to all citizens of Evergreen Boys State during their attendance.
- B. The term Attorney applies to anyone who has passed the EBS Bar and who carries a valid EBS Bar Association Card.
- C. These rules are intended to further the orderly and uniform operation of all courts in Evergreen Boys State and apply equally to the Superior Court and Supreme Court.

### **Attendance in Court**

- A. Attendance in court is mandatory for the following persons:
  1. Attorneys who are prosecuting or defending any action, civil or criminal.
  2. Any person who is a party plaintiff or party defendant in a case heard in the court.
  3. Any person required to attend, by virtue of a properly issued subpoena, as a witness in a case heard by the court.
- B. Anyone not included in Section A of this rule shall only attend court if authorized by the Federal Government (EBS Director, his designate or Staff).

### **Conduct in Court**

- A. Any person attending a court session at Evergreen Boys State shall respect the dignity and solemnity of the forum. Specifically, a person in the court shall:
  1. Turn off all electronic devices while in the courtroom.
  2. Stand when the judge/justices enter and exit the courtroom.
  3. Unless appearing as an attorney in the case before the court, may not address the court unless invited to do so by the judge.
  4. Unless appearing as an attorney in the case before the court, do not talk during the hearing or trial.
  5. Enter and leave the courtroom quietly and do not disturb the proceedings.
  6. If a party to a proceeding or a subpoenaed witness, remain in the courtroom until excused by the judicial officer(s) presiding over the hearing.

### **Sanctions for Violations of Court Rules**

- A. An attorney deemed by a judicial officer to have violated these rules may be subject to a suspension of his right to practice law.
- B. A non-attorney deemed by a judicial officer to have violated these rules may be subjected to a penalty to be determined by the Federal



Government, including expulsion from Evergreen Boys State by the Director.

### **Amendment of Court Rules**

These rules may be amended by the Federal Government upon a formal written request from the EBS Supreme Court. The final determination to amend the rules shall reside with the EBS Director.

## **Chapter III: The Supreme Court**

### **Supreme Court Operations**

The Supreme Court is the highest court in Evergreen Boys State. It is the court, which hears and decides all cases appealed from an Evergreen Boys State superior court decision. The Supreme Court is composed of nine justices and all cases are decided in a similar way as superior court trials wherein the facts are not in dispute. That means, the Supreme Court never conducts a trial wherein the facts have yet to be decided. The Supreme Court must accept as true all facts, which were found by the superior court to have existed.

The Supreme Court's role is to only decide what the law is in a case. The attorneys who appear and argue their cases in the Supreme Court are usually limited to how long they can take to make their arguments. The court can set a limit on the time allowed. Usually not more than 15 or 20 minutes is allowed for each side. It is not unusual for one or more justices to interrupt an argument by an attorney to ask questions. Only the attorney(s) is allowed to answer the question, never the client. Questions may be about something the attorney said or to inquire about how the law should apply in the case before the court.

For example, in the earlier traffic accident case, let us assume the trial court found that Driver A did in fact run a red light and that two auto body shops gave repair estimates as to what the repair costs would be to repair Driver B's car. Driver A introduced into evidence a repair estimate from shop #1 for \$800 and Driver B had an estimate from shop #2 for \$1,100. The court awarded \$800, and Driver B appealed claiming the court erred in not

letting him receive an award of \$1,100. During argument by Driver A attorney, a justice might interrupt and ask, "Why shouldn't Driver B be allowed to take the car to a repair shop of his choice?" The lawyer would be required to stop his argument and answer the question based upon what the law is or should be, and when finished, continue on with his prepared argument.

When all argumentation has concluded, the justices will recess and meet privately with each other to discuss the case and how it should be decided. All Supreme Court cases are decided by a majority vote of the justices. If a majority decides the case in favor of Driver B, then the court would write its opinion and deliver it to the two sides and the case is concluded. A decision by the Evergreen State Supreme Court is final. In real life cases, a party who believes a state Supreme Court decided a case contrary to the U.S. Constitution could appeal to the federal courts. While there are no federal courts in Evergreen Boys State, the staff of Evergreen Boys State acts as a federal court and does have the authority to overturn an Evergreen Boys State Supreme Court decision on its own motion.

### **The Clerk of the Supreme Court**

The clerk of the Supreme Court is responsible for receiving and keeping a record (called a docket) of all appeals filed with the Supreme Court. If a notice of appeal is filed with the clerk of the superior court, the superior court clerk sends the entire superior court file to the clerk of the Supreme Court (NOT including the Superior Court docket). After the clerk receives the file, the clerk is responsible for scheduling a time for oral argument and must notify the attorneys for both sides of the date and time scheduled. When the attorneys are present in the Supreme Court and ready to proceed, the clerk informs the justices who then enter the courtroom. When the justices enter the clerk should announce: "All rise, the Supreme Court of the state of Evergreen is now in session, God save the United States of America, the state of Evergreen and this honorable court." When all the justices have taken their seats, the clerk announces, "You may be seated".

The clerk then calls out the name of the case which is to be argued first. The attorneys then step forward to their seats and the attorney who filed the appeal rises and begins his argument. The attorney who appeals not only argues first,

but also is allowed a “rebuttal argument” after the other attorney concludes his argument to the court. The appealing attorney, however, is limited to the total time allotted, so if he wishes to rebut the other attorney’s argument, he should be careful to not use up his time on his first argument. If the appealing attorney wishes to reserve part of his time for rebuttal argument, he must let the clerk know how much time he wishes to reserve prior to the time the justices enter the courtroom.

The clerk is responsible for keeping track of the time for the attorneys and should announce when two minutes of argument time remains. When the final two minutes have elapsed the clerk should announce, “Sir, the time for argument has expired”. The attorney is thereafter only permitted the opportunity to finish the sentence. If the justices interrupt an argument with questions the clock still runs, and the attorney interrupted is not allowed to get additional time.

If more than one case is scheduled for argument, the clerk, when the arguments in the first case are completed, will call out the name of the next case and those attorneys will move forward, take their places, and begin their arguments in like manner. When all cases have been argued, the clerk should announce, **“all rise, this honorable court is in recess”**. The justices will then rise and leave the courtroom to begin their discussion (called deliberation) of the case.

The final decision (called an opinion) is prepared by one of the justices at the direction of the Chief Justice and circulated between the other justices who will indicate on the opinion if they agree or disagree with the opinion. The clerk retains the written opinion in the court records and a copy is, in real life, mailed to each attorney. Because of limitations, Evergreen Boys State attorneys will not be delivered a copy of the opinion of the court. It is the responsibility of each attorney to periodically check in with the clerk of court to determine when an opinion has been issued. All opinions shall be read in the clerk’s office.

## Courtroom Decorum

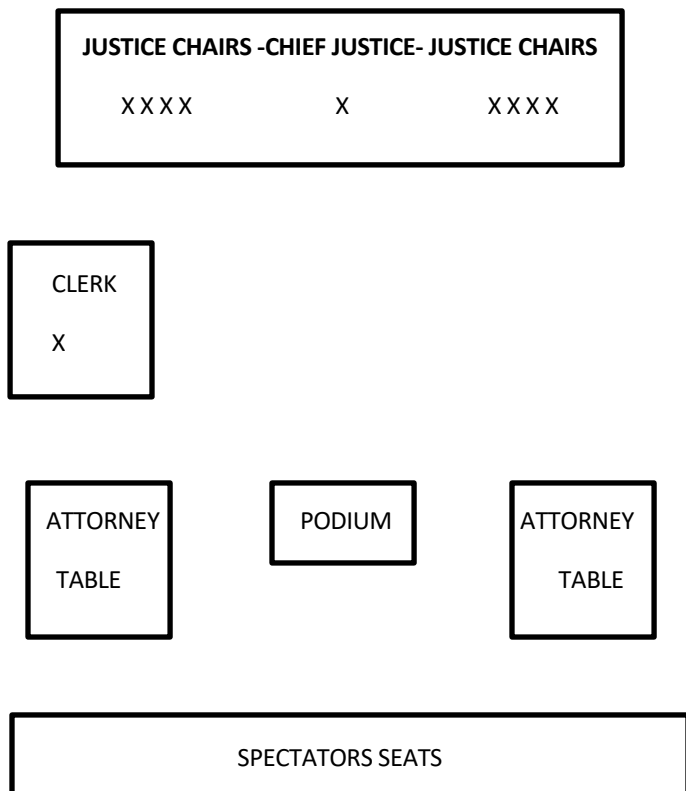
A Supreme Court courtroom is a very solemn place. No talking is permitted by anyone in the courtroom. Attorneys must always stand when arguing their case. When a justice

asks a question, they will always address the attorney in a formal manner such as “Mr. Smith, why...?” The attorneys must always begin their answer with the words “Your honor...” When an opposing attorney is arguing his case, the other attorney may never make faces or in any other way indicate their disagreement with what is being said by gestures or expressions of any kind. If an attorney, during his argument, wishes to refer to something the opponent stated during argument, the attorney should always be polite, respectful, and formal in the way it is done. For example, one might say, “My learned opponent has argued...” or “Mr. Smith has argued...”

It is the supreme court that determines who is licensed to practice law and the court does have the authority to revoke a license to practice law if an attorney fails to conduct himself in an honorable and dignified manner while in court. The comments on the role of an attorney in the superior court chapter above apply equally to conduct before the Supreme Court.

## Supreme Courtroom Configuration

The following diagram shows how a supreme courtroom should be configured:



## Elements of residential burglary

1. The defendant must enter a building;
2. The building must be owned by someone other than the defendant;
3. The building entered must be a dwelling house (i.e., not a garage, office building, store etc.) where someone lives at the time;
4. The entry must occur in the nighttime (i.e., after sunset and before sunrise);
5. At the time the defendant enters he must have the intent to commit a crime inside (such as theft of property or to assault an occupant); and
6. The building entered by the defendant is located in the state of Evergreen. (The hidden element)

(Note: The prosecutor must prove each of the above elements beyond a reasonable doubt to convict a defendant. If any one of these elements is not proved beyond a reasonable doubt, then the defendant must be found not guilty. It is essential, therefore, that a prosecutor believes he can prove each of the elements before he brings charges against a defendant, and he should be prepared to make sure he has the necessary witnesses to prove each of the elements existed.

**Anyone who would like a set of the court forms, may have a full set upon request. All forms required for cases will be available at the courts or the Evergreen Boys State office.**



## Reflections and Invocations

The following prayers have been edited and compiled in part by Father Gary Gummersheimer, Past National Chaplain of the Sons of The American Legion, and former Chaplain of The American Legion Boys Nation program. The prayers are meant to be all religious in nature and reflect thoughts of wisdom as we seek to glorify our own Gods and our Country. They are the only public prayers authorized for use at The American Legion Evergreen Boys State. Be reminded that in the State of Washington and in our State of Evergreen, it is tradition to start each session with a public prayer.

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### **From Presidents Kennedy and Clinton, we read these words:**

For those to whom much is given, much is required. When at some future day the high court of history sits in judgment of each of us, recording whether in our brief span of service, we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold will be measured by the answers to four questions:

"First, were we truly people of courage? Second, were we truly people of judgment? Third, were we truly people of integrity? Finally, were we truly people of dedication?"

There is nothing wrong with America that cannot be cured by what is right with America. I challenge a new generation of young Americans to a season of service. We have heard the trumpets, we have changed the guard, and now each in our own way, and with his God's help, we must answer the call.

### **Invocation (prayer):**

As to each, and his Almighty God, we pause at the beginning of this week that we might remember those men and women who have defended our liberty and have been an influence of God in our lives and in the life of our nation. As we listen to their stories may we learn the lesson of their lives: That one person can make a difference and every person should try. Teach us that to whom much is given much is required; so that when the Season of Service is upon us, we will hear the trumpets and with your help answer the call. Amen.

### **A Prayer for Wisdom:**

In the spirit prayer to our God, we come to a time to make important decisions and choices.

We beg you to give us the spirit of true fellowship, that we might not reject someone because of the color of their skin, not reject them because of the number of vowels or consonants their name contains. Not reject them because of the language that their parents speak. Not reject them because of their physical imperfection, or not reject them because of the way they and their ancestors worship their God. Rather, let us choose based on the character of their soul and their integrity. So that having chosen well and wisely they might lead us as "One Nation under God, indivisible with Liberty and justice for all." Amen.



## **Grace before the Evergreen Boys State Banquet:**

To each in spirit with their Heavenly Father, we thank you for the ancient words, which have brought comfort and peace to people in sorrow and people in danger. We thank you also for the rich heritage of our past, and for this nation which has been made great by the sacrifice of those who have gone before us. We bring you thanks particularly for those who will not grow old as we are left to grow old but will remain forever young. Although they are gone, they are immortal, because they have given their lives to something which is immortal, the dream of liberty and justice for all. We thank you also for the homes that have nourished us, the people who have loved us, all those who have sacrificed to teach us and help us grow. We thank you finally for your love for us, for seed time and harvest, for sunshine and rain. You have given us this good land as our heritage. Help us appreciate the many other blessings which you provide in such abundance, to be content with them, to be grateful for them, to be proud of them, not in a selfish pride that boasts of our wealth, but a grateful pride that strives to be more worthy. Amen.

## **Closing Reflections and Closing Prayer:**

### **From Presidents Truman and Kennedy, we read:**

I continue to be optimistic about the future. It is only fair to say that I am not an optimist by disposition but my confidence in the future is based more on my reading of history and the evolution of man's works. I have never seen pessimists make anything work or contribute anything of lasting value. It takes idealists to make the world work because eventually some of the ideas they develop are put into practice to help mankind.

Let the word go forth, from this time and place, to friend and foe alike, let them know the torch has been passed to a new generation of Americans. Let them know we shall pay any price necessary, and defend against any foe, to assure the survival and success of liberty.

### **Closing Prayer:**

O God of every time and place, prevail among us too; within this state and nation that we love and promise to renew.

O Thou whose will we can resist but cannot overcome, forgive our harsh and strident ways and harm that we have done.

Behind the masks that we maintain to shut our sadness in, there lives a hope, however dim, that all may live as kin.

Though wrong emboldens us to fight, may peace excite our care; if not us, who? If not now, when? If not here, God, where?





## Official Prayers for Opening of Meetings

The American Legion Department of Washington Evergreen Boys State is Non-Political, Non-Partisan, and Non-Sectarian. To each man in his own way, in his own thought, in his private being, his wisdom is respected. To assist in the accomplishment of the Non-Sectarian decree of The American Legion, these are the only prayers or thoughts that may be used in the traditional Opening Ceremonies of each Branch of the Evergreen Boys State Government. It is customary in the State of Washington for Chaplains to open City & County Council meetings, The House of Representatives and Senate sessions with traditional prayers.

**Prayer 1:** Master of all human thought; guide us in the commencement of our deliberation in these important matters that may come before us today. Guide our minds to seek the Spirit of Truth in all matters. Amen

**Prayer 2:** Let us come together in the Spirit of prayer; to us, to whom much has been given, empower us to give more. To us with ears, demand we listen before we speak. To those with voice, pray they search their souls before they speak untrue or unkindly, and to mankind, may we offer only that which is good for all humanity. Amen

**Prayer 3:** As it is written in ancient text, remind us to love one another as humankind. Remind us only to speak truth, remind us wisdom comes from the souls of time and remind us to consume time as seek the wisdom in our truth. Amen

**Prayer 4:** To the master of all that is good we pray; hold us responsible to a higher standard than anyone else may ever expect of us, never excuse us. Ensure our truth to be for all humankind, and not just the truth of our kind. Amen

**Prayer 5:** Oh, Master of human thought, guide us as we seek the marvelous richness of the human experience to which there would be no limitations upon our ability to understand human diversity. Guide us to understand we are not alone, as we are of the same humankind. Amen

**Prayer 6:** Let us be reminded in prayer that nothing is so potent as the silent influence of a good example. May our adversities make us strong. May our victories make us wise. May our actions make us proud. Amen

- J. Kent & HJB

**Prayer 7:** In the spirit of prayer let us be reminded; Good character is that quality which makes one dependable whether being watched or not, which makes one truthful when it is to one's advantage to be a little less than truthful, which makes one courageous when faced with great obstacles, which endows one with the firmness of wise self-discipline. Amen

- A.S, Adams

**Prayer 8:** In the spirit of prayer bring us together in one mind; let us remember the ancient proverb that says, Excellence is never an accident; it is always the result of high intentions, determined effort, and skilled execution. The gem cannot be polished without friction, nor man perfected without trials and may we always surprise by the progress of doing a simple thing well. Amen

**Prayer 9:** Father of all mankind and he who is much more willing to listen than we are to pray; Give us a strength stronger in our worse loss, than we were in our greatest triumph. Give us the ability to walk in another's shoes and understand his heart by his footprints. Let us see through our eyes, as a blind man sees for the first time. Give us knowledge to scene truth by our actions. Most important give us the time to find the wisdom of all humanity, together as one. Amen

# Semi-formal banquet Etiquette

## General rules of courtesy

The following principles of dining etiquette are directed primarily to formal group dinners. Many etiquette standards are expressed in their most formal sense and should be interpreted to be used in the most appropriate form to the situation.

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### Seating

- All parties walk to the dining room behind those to be seated at the head table.
- The head table is always seated first.
- Guests are escorted first, starting with those highest in rank or status.
- Females are seated to the right of their escorts, but never on the end of the table.
- All women are to be seated by the men before the men sit.
- Permission is always necessary to sit down if you come to the table later and necessary to leave the table, with the exception of leaving to answer the telephone.
- All men should rise when a woman leaves the table at which they are seated.
- Butter and jam are placed first on the salad plate and then on the bread.
- Ketchup is also placed first on the plate, not on the meat directly.
- Bread is broken before buttered and only butter one half at a time.
- Chew your food with your mouth closed.
- While eating, use your fork to scoop your food into your mouth; do not stab with your fork.
- Do not use your knife as a saw. Cut food by stroking the knife away from your body.
- Spoon the soup away from your body as well.
- Never take more than three bites of dessert at a time.
- Do not take more than one dessert at a time. Cut only one piece of meat at a time.
- Do not wash your food down with your drink, and three swallows are enough liquid for one drink.
- Only fill your glass within one-half inch from the top.
- Keep one hand below the table while eating, and do not place your elbows on the table.
- Napkins are kept in your lap.
- Your knife is placed on the back edge of your dinner plate with the blade facing down.

### Utensils shall be placed as follows:

- Forks go on the left, knives and spoons on the right.
- Forks (outside in): soup spoon, teaspoon, and or two dinner knives.
- All knives should be laid with the cutting edge toward the plate.

### Food

- Food is received with the right hand from the left, and after serving yourself, food is passed to the right with the left hand.
- When it is necessary to pass across the table, food is set down in the middle of the table and then picked up by the person.
- Rolls are placed on the salad plate.
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### Social Tips

- Hold drinking glass with left hand so right hand is free and dry to shake hands.
- Place name tags on the right side of chest. Kindness and friendliness will be long remembered.
- Cell phones should be turned off or placed on silent mode and put in a pocket or purse where it is out of sight.



