



Summary of Senate Joint Resolution 8200

Prepared for members of the Washington House of Representatives by the House Office of Program Research.

This information has been prepared in response to various requests for a summary of Senate Joint Resolution 8200. It is provided for analytical and legislative policy purposes only. It is not provided as an expression of support for or opposition to any ballot measure. These materials are intended to provide general information and are not intended to be an exhaustive analysis of all issues presented by the measure.

BRIEF SUMMARY

- Proposes an amendment to the Washington Constitution to authorize the Legislature to enact measures ensuring the continuity of government operations during an emergency caused by a catastrophic incident.

BACKGROUND

Senate Joint Resolution 8200

An amendment to the Washington Constitution is introduced in the Legislature in the form of a joint resolution. If agreed to by two-thirds of the members elected to both the House and the Senate, the joint resolution is placed on the ballot at the next state general election. If a majority of those voting approve, the constitutional amendment is ratified.

Senate Joint Resolution 8200 was introduced and agreed to by two-thirds of the members of both the House and the Senate during the 2019 Regular Session. This joint resolution is, therefore, being submitted to the people for approval or rejection at the November 2019 general election.

The ballot title and explanatory statement written by the Office of the Attorney General are as follows:

Ballot Title

Statement of Subject: The Legislature has proposed a constitutional amendment concerning legislative powers in times of emergency.

Concise Description: This measure would add "catastrophic incidents" to the specified times of emergency that the Legislature may take certain immediate actions to ensure continuity of state and local government operations.

Explanatory Statement

The Constitutional Provision as it Presently Exists: Article II, section 42 of the Washington State Constitution permits the legislature to adopt legislation governing certain immediate actions in times of emergency resulting from enemy attack. The authorized legislation includes measures to ensure continuity of state and local governmental operations and appointing public officers to ensure public duties continue to be carried out.

The Effect of the Proposed Amendment if Approved: This measure would allow the Legislature to adopt legislation governing continuity of state and local operations not just in case of "enemy attack," but also in the event of "catastrophic incidents."

Continuity of Government Following an Enemy Attack

Under the Washington Constitution (Constitution), the Legislature has the power and duty to enact legislation that ensures continuity of state and local government operations during a period of emergency resulting from an enemy attack. Such legislation must provide for prompt and temporary succession to public offices when the incumbents and their legal successors are unavailable for official duties. The Legislature must also enact other measures that are necessary for ensuring the continuity of governmental operations during these emergencies. Legislation may depart from specified provisions of the Constitution during the emergency caused by an enemy attack if conformance with those provisions would be impracticable or cause undue delay. Constitutional provisions to which adherence is not required during these periods include those concerning: the seat of state and county government; membership and quorum of the Legislature and passage of bills; vacancies in state and county offices; and state records.

SUMMARY

An amendment is proposed to the Constitution that adds catastrophic incidents to the circumstances under which the Legislature may enact legislation providing for succession to public offices and other measures as necessary in order to ensure continuity of state and local governmental operations in periods of emergency. As in emergencies resulting from enemy attack, during periods of emergencies resulting from a catastrophic incident, certain constitutional provisions may be suspended if conformance with them would be impracticable or cause undue delay. Those provisions include those concerning:

- the seat of state and county government;
- membership and quorum of the Legislature and the passage of bills;
- vacancies in state and county offices; and
- state records.

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Effective Date: The joint resolution takes effect if approved by the voters at the next general election.

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