
**State Government & Tribal Affairs
Committee**

HJR 4200

Brief Description: Amending the Constitution to require emergency clauses only be allowed by amendment to a bill and approved by sixty percent of each house of the legislature.

Sponsors: Representatives Bailey, Ross, Chandler, Armstrong, Hope, Fagan, McCune, Kristiansen and Shea.

Brief Summary of Bill

- Proposes the enactment of a constitutional amendment authorizing passage of legislative emergency clauses only if introduced via amendment and passed by a majority vote of at least 60 percent of the members of both houses of the Legislature.

Hearing Date: 1/19/11

Staff: Thamas Osborn (786-7129).

Background:

Under Article II, Section 41 of the Constitution of the State of Washington (constitution), no law or act that is subject to referendum may take effect until 90 days after the adjournment of the legislative session in which it is enacted. However, Article II, Section 1(b) of the constitution provides that "laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing institutions" are not subject to referendum and may therefore become effective immediately upon enactment or upon another specific date.

These constitutional provisions have given rise to the legislative practice of including what is known as an "emergency clause" in legislative bills intended to become effective immediately upon enactment. Such emergency clauses generally read as follows: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state

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government and its existing public institutions, and takes effect immediately." An emergency clause can be included among the original bill provisions or can later be added by amendment, and may be passed by the affirmative vote of a majority of the members of each house of the Legislature.

Summary of Bill:

The Joint Resolution (resolution) proposes that a constitutional amendment be submitted to the voters at the next general election for their approval and ratification, or rejection. The resolution pertains to Article II, Section 1(b) of the constitution and proposes the revision of the constitutional provisions relating to the passage of emergency clauses in legislative acts. Specifically, the resolution requires that emergency clauses be allowed only if introduced in the form of an amendment and that passage requires the affirmative vote of 60 percent of the members of each house of the Legislature. Emergency clauses included in appropriations bills authorizing expenditures for operating, capital, or transportation purposes are exempt from these emergency clause restrictions.

Appropriation: None.

Fiscal Note: Available.