

SENATE BILL REPORT

SJR 8205

As of February 9, 2017

Brief Description: Amending the Constitution concerning religious matters.

Sponsors: Senators Miloscia, Baumgartner, O'Ban, Becker, Bailey and Warnick.

Brief History:

Committee Activity: State Government: 2/10/17.

Brief Summary of Joint Resolution

- Allows religiously affiliated organizations to receive or compete for state money or property on the same basis as nonreligious organizations.
- Prohibits denying state employment based on a person's religious beliefs.
- Repeals the constitutional provision that schools supported by public funds must be free from sectarian control or influence.

SENATE COMMITTEE ON STATE GOVERNMENT

Staff: Samuel Brown (786-7470)

Background: A majority of state constitutions have provisions modeled after an amendment offered in 1876 to the United States Constitution by Representative James G. Blaine. The Blaine amendment would have prohibited government funds from going to religious sects or institutions. The amendment was not adopted, but several states added or included similar provisions in their state constitutions. Washington has several such provisions.

Article I, Section 11 of the Washington Constitution guarantees all individuals absolute freedom of conscience with regard to religious sentiment, belief, and worship. No person or their property may be disturbed on account of their religion, although this freedom does not excuse acts of licentiousness or threats to peace and safety. Public resources may not be spent or applied to support any religious establishment, or for religious worship, exercise, or instruction. The state may employ chaplains in public medical and correctional facilities at the Legislature's discretion.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Article IX, Section 4 of the Washington Constitution provides that all schools supported by public funds, in whole or in part, must be free from sectarian control or influence.

Summary of Joint Resolution: The bill as referred to committee not considered.

Summary of Joint Resolution (Proposed Substitute): At the next general election, the Secretary of State must submit the proposed amendment to the Washington Constitution for voter approval. The proposed amendment provides that the state may not prohibit religiously affiliated organizations from receiving or competing for money or property on the same basis as nonreligious organizations and that state employment must not be denied based on a person's religious beliefs; and repeals the constitutional provision that schools supported by public funds must be free from sectarian control or influence.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.