

# SENATE BILL REPORT

## SJR 8211

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As of January 14, 2018

**Brief Description:** Amending the state Constitution to provide governmental continuity during emergency periods resulting from a catastrophic incident.

**Sponsors:** Senators Takko, Zeiger, Pedersen, Conway, McCoy, Hunt, Hobbs, Frockt, Fain, Bailey, Angel, Warnick, Carlyle, Van De Wege, Keiser, Chase and Kuderer.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/12/18.

**Brief Summary of Joint Resolution**

- Proposes a constitutional amendment to Article II, section 42 of the Washington Constitution to authorize the Legislature to enact measures for ensuring continuity of government operations during emergencies resulting from a catastrophic incident.

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Staff:** Melissa Van Gorkom (786-7491)

**Background:** Article II section 42 of the Washington State Constitution provides that the Legislature has the power to enact legislation, in order to ensure continuity of state and local governmental operations during a period of an emergency resulting from enemy attack, that provides for prompt and temporary succession to the powers and duties of public offices when the incumbents and legal successors may become unavailable for carrying on the powers and duties of the offices.

Washington's Continuity of Government Act provides direction for the continuity of government and operations in the event of an attack taken against the United States in the state of Washington. An attack means any act of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and the state of Washington.

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*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.*

**Summary of Joint Resolution:** An amendment is proposed to Article II section 42 of the state Constitution that would authorize the Legislature, in order to ensure continuity of state and local government, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices, and enact other measures as may be necessary during periods of emergency resulting not only from enemy attack, but also during a catastrophic incident.

**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.

**Staff Summary of Public Testimony:** PRO: Following catastrophic incidents that result in mass casualties, damage or destruction it is critical that government services continue. All levels of government must be ready to respond to emergencies, such as earthquakes and tsunamis, but the Constitution and statute currently only address enemy attacks. Current constitutional provisions were enacted in the early 1960s in the cold war civil defense era when the focus was on enemy attack due to enormous, prolonged, large scale declared wars and the growing nuclear threat. This expands the capability to plan for continuity of government beyond enemy attack to provide essential functions to include orderly succession, filling vacancies, interoperable communications, and processes and procedures to reconvene government during periods of disruption that may be caused by a catastrophic incident.

**Persons Testifying:** PRO: Senator Dean Takko, Prime Sponsor; Jason Marquiss, Deputy Director, Washington Military Department, Emergency Management Division.

**Persons Signed In To Testify But Not Testifying:** No one.