

Senate Joint Resolution No.

8200

The legislature has proposed a constitutional amendment concerning legislative powers in times of emergency.

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 governmental operations.

Should this constitutional amendment be:

Approved

Rejected

Explanatory Statement 45

Arguments For and Against 46



The Secretary of State is not responsible for the content of statements or arguments (WAC 434-381-180).

Explanatory Statement

Written by the Office of the Attorney General

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.”

Fiscal Impact Statement

Not required by law

Final Votes Cast by the Legislature

Senate: Yeas, 37; Nays, 11; Absent, 0; Excused, 1
House: Yeas, 91; Nays, 7; Absent, 0; Excused, 0

Why the 2020 Census matters

Every 10 years, as required by the United States Constitution, the U.S. Census Bureau takes a complete count of the country’s population. Every person living in the U.S. is expected to participate. The Census Bureau collects data for statistical purposes only and is required by law to protect your individual identity.

Having accurate, updated census information is vitally important. The information is used by Congress to distribute more than \$880 billion in federal health, education, and infrastructure funds to states, counties, and cities based on population. Census information is also used by Washington’s bipartisan redistricting commission to draw new, equally-populated legislative and congressional districts that reflect the population growth and shifts over the past decade.

The Census Bureau will begin collecting information in March 2020 and you can respond online, by mail, by phone, or with an in-person interview. You’ll be asked to complete a questionnaire with a few basic facts about the people in your household. It’s easy and confidential. Remember, everyone counts — so when you receive the official questionnaire, complete it for each person in your household.

United States®
Census
2020

Argument for

Our State Is Not Prepared for a Catastrophic Event

Following a catastrophic incident, it is critical for government to continue to function. The Washington State Constitution sets forth how governments will operate in the aftermath of an “enemy attack” but not in the case of other types of catastrophic incidents that may occur. The intent of this constitutional amendment is to ensure that state and local governments can properly function after any type of major disruption.

Voting Yes Is One Critical Step to Get Ready for a Disaster

This constitutional amendment allows for governments to continue operations after a “catastrophic incident.” A catastrophic incident is defined to include natural disasters, terrorism attacks, and other events that result in extraordinary levels of mass casualties, damage or disruption severely affecting the population, infrastructure, environment, economy or government functions.

We Never Know When a Disaster Will Strike, We Must Prepare Now

This amendment is essential for us to prepare for incidents such as the inevitable Cascadia earthquake, catastrophic wildfires or a catastrophic pandemic. The reality is that these events will occur at some point in the future, bringing about such damage and disruption severe enough to interfere with government operations. State and local governments need to be better prepared to continue to operate after these catastrophic events. This would allow us to take action to plan for those important steps now.

Vote Yes on SJR 8200

Rebuttal of argument against

This measure lives up to the existing framework for protecting critical functions of state and local governments, enshrined in our state constitution nearly 60 years ago. The definition of “catastrophic incident” is clear and military and other federal agencies use it too. By voting yes, you are allowing government to continue after “extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions.”

Written by

Roger Goodman, State Representative, Kirkland; **Marko Liias**, State Senator, Mukilteo; **Dean Takko**, State Senator, Longview; **Bret Daugherty**, Adjutant General, Washington National Guard; **Dennis Lawson**, President, Washington State Council of Firefighters

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Argument against

Weakens Constitutional Protections for Citizens and Grants More Power to Government

This measure changes the constitution of our state to allow the legislature to bypass current constitutional and statutory provisions over the state legislature and how it operates. Current provisions allow this exemption in the event of enemy attack. The changes being made with this proposal would allow this exemption in the case of “catastrophic incident”.

Criteria Not Defined

This measure does not adequately define what constitutes a “catastrophic incident” nor does it define how widespread such an incident must be in order to trigger this provision. You would have to trust government to make these decisions with or *without* your input. We should demand a better proposal with clear definitions.

Legislative Dictates

This would grant Legislative leaders from distant areas of the state free reign to change the location of the Capitol, appoint legislators and local government officials to represent you, and pass bills as they see fit with no legislative process requirements, leaving you with no recourse to stop anything they do nor how they do it.

May Hurt You When You Need Help the Most

Passage of this measure will allow government to decide who will make the laws on your behalf and potentially concentrate power in fewer individuals further from you and your interests; and they will be able to do it at a time when you need the constitutional protections and assistance the most.

Rebuttal of argument for

While it is important to prepare for disasters, the legislature needs to provide more specificity on *how* it would use this new authority *before* voters approve this authority. How large an area much be affected and what actions they would take should be better spelled out *prior* to voters extending any additional authority. Don't wait for disaster to strike to find out their intent – insist they tell you *before* you change the constitution.

Written by

Ed Orcutt, State Representative, forester, small business owner; **Bob McCaslin**, State Representative, teacher

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Complete Text

Senate Joint Resolution No. 8200

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 42 of the Constitution of the state of Washington to read as follows:

Article II, section 42. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from a catastrophic incident or enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Consti-

tution: *Provided*, That if, in the judgment of the legislature at the time of ~~((disaster))~~ the emergency, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by a catastrophic incident or enemy attack only, from the following sections of the Constitution:

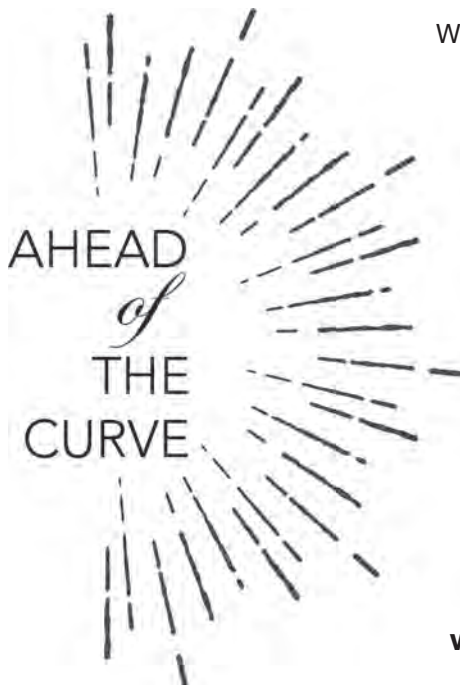
Article 14, Sections 1 and 2, Seat of Government;
Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;
Article 3, Section 10 (Amendment 6), Succession to Governorship: *Provided*, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;
Article 11, Section 6, Vacancies in County Offices;
Article 11, Section 2, Seat of County Government;
Article 3, Section 24, State Records.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

--- END ---

Celebrate women of Washington



Washington has been *Ahead of the Curve* since it first granted women suffrage (the right to vote) in 1883. Later revoked, in 1910 our state became the fifth to include women's suffrage in its constitution — a decade ahead of the nation.

Legacy Washington is gearing up for the 2020 centennial of women's suffrage in the United States by highlighting the pioneering spirit of some larger-than-life women and little-known stories with big impacts on our state, the nation, and beyond. Washington women keep blazing trails in fields from science to bridge building.

Visit the *Ahead of the Curve* exhibit at the Washington State Capitol in Olympia, or read in-depth profiles of all the subjects online.

www.sos.wa.gov/legacy