
Public Safety Committee

HJR 4212

Brief Description: Amending the state Constitution to provide continuity of state and local government during emergencies and disasters.

Sponsors: Representatives S. Hunt, Appleton, Johnson, Seaquist, Goodman, Pedersen, Moscoso, Klippert, Morrell, Orwall, Tarleton, Green, Zeiger, Haler, Senn, Haigh, Van De Wege and Ryu; by request of Washington Military Department and State Auditor.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Proposes 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 caused by disaster.

Hearing Date: 1/21/14

Staff: Jenna Zwang (786-7290) and Yvonne Walker (786-7841).

Background:

Washington Constitution.

In order to insure continuity of state and local governmental operations during a period of an emergency attack, Article II, section 42 of the Washington Constitution provides that the Legislature has the power to enact legislation providing 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 such offices.

The Legislature must also enact other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. If in the Legislature's judgment at the time of the disaster, conformance to the Constitution would be impracticable or would admit undue delay, then such legislation may depart from specified provisions of the Constitution only during the period of emergency caused by the enemy attack.

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.

Directive 13-02.

In March 2013 Governor Inslee issued a directive requiring that each individual agency, board, commission, and council develop a Continuity of Operations Plan (COOP) in order to ensure its ability to deliver essential functions and services to state citizens during any disaster or emergency. Each agency, board, commission, and council head had to verify to the Military Department that the enumerated COOP review and exercise was complete by May 31, 2013. Organizations must annually update their organizational COOP by June 30 each year, starting in 2013. Organizations must also complete the Federal Emergency Management Agency Continuity Assistance Tool for Non-Federal Entities by April 30, 2013, and utilize it to complete the organizational COOP updates due June 30, 2014.

Summary of Bill:

An amendment is proposed to Article II, section 42 of the state Constitution that would authorize the Legislature, in order to insure 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 not only periods of attack, but also during periods of emergencies and disasters.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.