

# SENATE BILL REPORT

## SJR 8206

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As Reported by Senate Committee On:  
Governmental Operations, January 29, 2013

**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:** Senators Bailey, Roach, Benton, Becker, Holmquist Newbry, Sheldon, Honeyford and Padden.

**Brief History:**

**Committee Activity:** Governmental Operations: 1/28/13, 1/29/13 [DP, DNP].

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun and Rivers.

**Minority Report:** Do not pass.

Signed by Senators Conway, Fraser and Hasegawa, Ranking Member.

**Staff:** Samuel Brown (786-7470)

**Background:** Under Article II, section 41 of the Washington State Constitution (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. If, within 90 days of adjournment of the legislative session, a petition is submitted to the Secretary of State signed by a number of registered voters totaling at least 4 percent of the number of ballots cast in the most recent gubernatorial election, the law or act passed by the Legislature is referred to the people at the next general election for their approval or rejection. Based on the Secretary of State's data from the 2012 gubernatorial election, the certified signatures of 123,186 registered voters are required to place a referendum measure on the ballot in the next four years.

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.

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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.*

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 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:** An amendment to Article II, section 1(b) of the Constitution revising the provisions relating to the passage of emergency clauses in legislative acts will be submitted to the voters at the next general election for their approval and ratification or rejection. The constitutional amendment submitted to the voters will state the following:

- an emergency clause may only be introduced in the form of an amendment to a bill;
- passage of an amendment containing an emergency clause requires the affirmative vote of 60 percent of the members of each house of the Legislature; and
- emergency clauses included in appropriations bills authorizing expenditures for operating, transportation, or capital purposes are exempt from these requirements.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: What's happening is a proliferation of emergency clauses in legislation. Since 1997– 954 bills have included emergency clauses, including 23 in 2012. About 15 percent of the bills enacted per session have emergency clauses. This fast tracks the bill, bypassing the possibility for referendum. Over the years, it's been misused. We need a higher standard. Emergency clauses eliminate the voice of the people. The state Constitution gives the people initiative and referendum powers before it gives the Legislature its powers. The Supreme Court is providing no check on the Legislature. A broad consensus should be needed for emergency clauses.

**Persons Testifying:** PRO: Senator Bailey, prime sponsor; Jason Mercier, WA Policy Center.