

HOUSE BILL REPORT

HJR 4210

As Reported by House Committee On:

Public Safety
Appropriations

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

Sponsors: Representatives Johnson, Goodman, Muri, MacEwen, Kilduff, Hayes, Reeves, Chapman, Haler, Walsh, Tarleton, Tharinger, Dent, Hudgins, Valdez, Stanford, Macri, Ryu and Appleton.

Brief History:

Committee Activity:

Public Safety: 1/11/18, 1/18/18 [DPS];
Appropriations: 2/1/18, 2/6/18 [DPS(PS)].

Brief Summary of Substitute Bill

- Proposes an amendment to Article II, section 42 of the Washington Constitution to authorize the Legislature to enact measures ensuring the continuity of government operations during an emergency caused by a catastrophic incident, rather than an enemy attack.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Omeara Harrington (786-7136).

Background:

Under Article II, section 42 of the Washington Constitution (Constitution), in order to insure continuity of state and local governmental operations in periods of emergency resulting from an enemy attack, the Legislature has the power and duty to enact legislation providing for

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prompt and temporary succession to public offices when the incumbents and their legal successors are unavailable for official duties. The Legislature must also enact other measures as necessary for insuring the continuity of governmental operations during these emergencies.

Legislation may depart from specified provisions of the Constitution during the emergency if conformance with those provisions would be impracticable or cause undue delay.

Constitutional provisions to which adherence is not required during these periods include those concerning: the seat of government; membership and quorum of the Legislature, and passage of bills; vacancies in state and county offices; and state records.

Summary of Substitute Bill:

An amendment is proposed to Article II, section 42 of the Constitution that authorizes the Legislature to enact legislation providing for succession to public offices and other measures as necessary in order to insure continuity of state and local governmental operations in periods of emergency resulting from a catastrophic incident, rather than periods of emergency resulting from an enemy attack.

Substitute Bill Compared to Original Bill:

The Legislature is constitutionally authorized to enact continuity of government measures during periods of emergency caused by a "catastrophic incident" rather than an "enemy attack" (as opposed to authorizing enactment of such measures during emergencies caused by either a catastrophic incident or an enemy attack).

Appropriation: None.

Fiscal Note: Not requested.

Staff Summary of Public Testimony:

(In support) When American passenger jets were used by Al-Qaeda on September 11 there was supposed to be a coordinated government effort, but there was not. The federal government learned from its mistakes and made several significant changes in protocol. When people need government the most is when disasters happen. It is crucial to fulfill the state's responsibilities under statute and the Constitution, and the state is only partially prepared. It is imperative that government continues following catastrophic incidents resulting in extreme levels of mass casualties, damage, and destruction.

The current law is 60 years old and based on nuclear threat. The current law provisions provide only for continuity of government during periods of enemy attack, but continuity of government is also needed during other disasters, both natural, like earthquakes, tsunamis,

volcanic eruptions, and man-made, like terrorism. This joint resolution fills the gap to make sure government continues during catastrophic incidents, provides for prompt succession to office, and allows the Legislature to enact other measures as necessary. This measure would help to preserve life and property in times of catastrophic disasters.

(Opposed) None.

Persons Testifying: Representative Johnson, prime sponsor; and Jason Marquiss, Washington Military Department.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Caldier, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Tharinger, Vick and Volz.

Minority Report: Do not pass. Signed by 3 members: Representatives Buys, Taylor and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Manweller.

Staff: Meghan Morris (786-7119).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Staff Summary of Public Testimony:

(In support) When American passenger jets were used by Al-Qaeda on September 11, 2001, there was supposed to be a planned, orderly response to a national emergency, but what followed instead was chaos and a breakdown in communication, confusion, and protocol. Following catastrophic incidents that result in extraordinary levels of mass casualties, damages, or disruptions, it is critical that important government services continue. The federal government learned from its mistakes and made several significant changes to protect the continuity of government. People need government the most when disasters happen. It is

imperative that we are prepared in Washington. Continuity of government is crucial to fulfill the state's responsibilities under statute and the Constitution, and the state is only partially prepared.

The current law is 60 years old and based on nuclear threat. The current law provisions provide only for continuity of government during periods of enemy attack, but continuity of government is also needed during other disasters, both natural, like earthquakes, tsunamis, volcanic eruptions, and man-made, like terrorism. This legislation and Substitute House Bill 2263 expand the ability to plan for continuity of government beyond "enemy attack." Additionally, the clear definitions of "continuity of government" and "catastrophic incidents" will help clarify the law so that continuity of government and continuity of operations, separate but important concepts, can be understood and accomplished at all levels of government across the state. This joint resolution fills the gap to make sure government continues during catastrophic incidents, provides for prompt succession to office, and allows the Legislature to enact other measures as necessary. This measure would help to preserve life and property in times of catastrophic disasters.

(Opposed) None.

Persons Testifying: Representative Johnson, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.