



More Resources for NCSL's Website on Continuity of the Legislature During an Emergency

Several specific items are mentioned in NCSL's website on continuity of the legislature during an emergency. The text of those items is provided below, because a direct link to the text could not be established. The items are listed in the order to which referred in the website.

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Items Mentioned in the Section on Continuity of Government

2019 Washington Constitutional Amendment

State Measures – Senate Joint Resolution No. 8200

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

Measure Text

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.

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.”

Colorado General Assembly, 2019-2020 Joint Rule 44

44. Rules of Procedure During A Declared Disaster Emergency

(a) This rule shall apply if the Governor, pursuant to the relevant portions of the "Colorado Disaster Emergency Act", part 7 of article 33.5 of title 24, Colorado Revised Statutes, has issued an executive order that declares that the state of Colorado is in a state of disaster emergency caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats and has activated the Colorado emergency operations plan.

(b) If the conditions described in subsection (a) of this rule are met and the General Assembly meets either in regular session or in a special session, however convened, the procedures set forth in this rule shall be followed in addition to any applicable rules of the Senate or the House of Representatives or the Joint Rules.

(c) After receiving notification from the Governor that the state of Colorado is in a declared disaster emergency, the Executive Committee of the Legislative Council, referred to in this rule as the "executive committee", shall meet and set forth the following in writing:

(1) If the General Assembly is in regular session, the list of items or topics on which members of the General Assembly may submit requests for bills to address the particular disaster emergency and the prioritization of any pending legislation relating to the state budget or to state policies that the executive committee deems necessary to enact prior to adjournment or recess of the regular session. In exercising its authority under this subsection (c), the executive committee shall determine what budgetary issues still need to be addressed for the current or upcoming fiscal year and identify the critical responsibilities of the General Assembly in light of the declared disaster emergency. The goal of the executive committee shall be to reprioritize the remaining work of the regular session and to only address those mission-critical responsibilities prior to adjournment or recess of the regular session. For purposes of determining mission-critical responsibilities, the executive committee shall consider the status of the following:

(A) Repealed, Senate Joint Resolution 13-035;

(B) Repealed, House Joint Resolution 10-1017;

(C) The annual general appropriation act;

(D) The legislative appropriation bill;

(E) Any supplemental appropriation bills;

(F) The school finance bill; and

(G) Any other issues that, in the estimation of the executive committee, are critical to address prior to a recess or adjournment of the regular session.

(2) A limit on the number of bill requests that a member of the House of Representatives or of the Senate may request and a limit on the number of bills that a member of the House of Representatives or of the Senate may introduce;

(3) A deadline schedule including the dates when the General Assembly shall convene or resume meeting;

(4) If necessary, the President and the Speaker or their designees shall activate the critical information call tree of the General Assembly;

(5) If the executive committee, in consultation with the Governor and the representatives of the department of public health and environment, determine that there is an increased health risk to the

members of the General Assembly or to the public of meeting in the state capitol building during the declared disaster emergency, the executive committee may make other arrangements to have the General Assembly meet on a temporary basis in another location in the city and county of Denver or, if an alternate location cannot be found within the city and county of Denver, in another location within the state.

(d) Upon convening as a General Assembly and ascertaining that there is a quorum to meet, the House of Representatives and the Senate shall each adopt by a simple majority vote the rules of the House of Representatives and the Senate and the Joint Rules as the temporary rules.

(e) (1) Notwithstanding any committees of reference that have been constituted for a regular session of the General Assembly pursuant to Senate Rule 21, new committees of reference shall be appointed by resolution to serve during the period of the disaster emergency. The party representation of such newly constituted committees shall be in proportion, as nearly as practicable, as determined by the majority leader, to the relative number of members of the two major political parties in the Senate. The majority leader of the Senate shall determine the minimum number of members for each committee of reference meeting during the disaster emergency, shall designate the number from each political party, and shall appoint the majority members to the committees of reference. The minority leader shall appoint the minority members to such committees. The majority leader and the minority leader may appoint any substitute members as necessary in order to ensure that each committee has adequate representation.

(2) Notwithstanding any committees of reference that have been constituted for a regular session of the General Assembly pursuant to House Rule 25, new committees of reference shall be appointed by resolution to serve during the period of the disaster emergency. The party representation of such newly constituted committees shall be in proportion, as nearly as practicable, as determined by the Speaker, to the relative number of members of the two major political parties in the House of Representatives. The Speaker shall determine the minimum number of members for each committee of reference meeting during the disaster emergency, shall designate the number from each political party, and shall appoint the majority members to the committees of reference. The minority leader shall appoint the minority members to such committees. The Speaker and the minority leader may appoint any substitute members as necessary in order to ensure that each committee has adequate representation.

(3) The committees appointed pursuant to paragraphs (1) and (2) of this subsection (e) shall only be in existence during the declared disaster emergency. Once the state of disaster emergency has passed or has been dealt with to the extent that emergency conditions no longer exist pursuant to section 24-33.5-704 (4), Colorado Revised Statutes, the committees of reference in existence prior to the disaster emergency shall be restored.

(f) Nothing in this rule shall be interpreted as changing the constitutional requirements for the number of legislators required to pass a bill by majority vote in either the House of Representatives or the Senate.

(g) Notwithstanding the provisions of Joint Rule 23 (d) of the Joint Rules of the Senate and the House of Representatives regarding counting legislative days of a regular session as consecutive days, the maximum of one hundred twenty calendar days prescribed by section 7 of article V of the state constitution shall be counted as one hundred twenty separate working calendar days if the Governor has declared a state of disaster emergency due to a public health emergency pursuant to section 24-33.5-704, Colorado Revised Statutes. Once the disaster emergency is over, the House of Representatives and the Senate shall resume following Joint Rule 23 (d) during regular sessions.

(h) (1) In addition to all of the powers, duties, and responsibilities set forth in Senate Rule 13 and in any other Senate rule, the secretary of the Senate shall have additional powers and authority, as the secretary deems necessary, in a declared disaster emergency to implement new or streamlined methods of operations and may suspend requirements set forth in the Rules of the Senate and the Joint Rules in order to preserve the resources of the Senate and function effectively during the disaster emergency.

(2) In addition to all of the powers, duties, and responsibilities set forth in House Rule 43 and in any other House rule, the chief clerk of the House of Representatives shall have additional powers and authority, as the chief clerk deems necessary, in a declared disaster emergency to implement new or streamlined methods of operations and may suspend requirements set forth in the Rules of the House of Representatives and the Joint Rules in order to preserve the resources of the House of Representatives and function effectively during the disaster emergency.

Oregon Const. Art. 10-A, Catastrophic Disasters

Section 1. Definitions; declaration of catastrophic disaster; convening of Legislative Assembly.

(1) As used in this Article, "catastrophic disaster" means a natural or human-caused event that:

(a) Results in extraordinary levels of death, injury, property damage or disruption of daily life in this state; and

(b) Severely affects the population, infrastructure, environment, economy or government functioning of this state.

(2) As used in this Article, "catastrophic disaster" includes, but is not limited to, any of the following events if the event meets the criteria listed in subsection (1) of this section:

(a) Act of terrorism.

(b) Earthquake.

(c) Flood.

(d) Public health emergency.

(e) Tsunami.

(f) Volcanic eruption.

(g) War.

(3) The Governor may invoke the provisions of this Article if the Governor finds and declares that a catastrophic disaster has occurred. A finding required by this subsection shall specify the nature of the catastrophic disaster.

(4) At the time the Governor invokes the provisions of this Article under subsection (3) of this section, the Governor shall issue a proclamation convening the Legislative Assembly under section 12, Article V of this Constitution, unless:

(a) The Legislative Assembly is in session at the time the catastrophic disaster is declared; or

(b) The Legislative Assembly is scheduled to convene in regular session within 30 days after the date the catastrophic disaster is declared.

5) If the Governor declares that a catastrophic disaster has occurred, the Governor shall manage the immediate response to the disaster. The actions of the Legislative Assembly under sections 3 and 4 of this Article are limited to actions necessary to implement the Governor's immediate response to the disaster and to actions necessary to aid recovery from the disaster.

Section 2. Additional powers of Governor; use of General Fund moneys and lottery funds.

(1) If the Governor declares that a catastrophic disaster has occurred, the Governor may:

(a) Use moneys appropriated from the General Fund to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the appropriation at the time the appropriation was made.

(b) Use lottery funds allocated to executive agencies for the current biennium to respond to the catastrophic disaster, regardless of the legislatively expressed purpose of the allocation at the time the allocation was made. The Governor may not reallocate lottery funds under this paragraph for purposes not authorized by section 4, Article XV of this Constitution.

(2) The authority granted to the Governor by this section terminates upon the taking effect of a law enacted after the declaration of a catastrophic disaster that specifies purposes for which appropriated General Fund moneys or allocated lottery funds may be used, or upon the date on which the provisions of sections 1 to 5 of this Article cease to be operative as provided in section 6 of this Article, whichever is sooner.

Section 3. Procedural requirements for Legislative Assembly.

If the Governor declares that a catastrophic disaster has occurred:

(1) Notwithstanding sections 10 and 10a, Article IV of this Constitution, the Legislative Assembly may convene in a place other than the Capitol of the State if the Governor or the Legislative Assembly determines that the Capitol is inaccessible.

(2) Notwithstanding section 12, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, two-thirds of the members of each house who are able to attend shall constitute a quorum to do business.

(3) In a session of the Legislative Assembly that is called because of the catastrophic disaster or that was imminent or ongoing at the time the catastrophic disaster was declared, the number of members of each house that constitutes a quorum under subsection (2) of this section may suspend the rule regarding reading of bills under the same circumstances and in the same manner that two-thirds of the members may suspend the rule under section 19, Article IV of this Constitution.

(4) Notwithstanding section 25, Article IV of this Constitution, during any period of time when members of the Legislative Assembly are unable to compel the attendance of two-thirds of the members of each house because the catastrophic disaster has made it impossible to locate members or impossible for them to attend, three-fifths of the members of each house who are able to attend a session described in subsection (3) of this section shall be necessary to pass every bill or joint resolution.

(5) Notwithstanding section 1a, Article IX of this Constitution, the Legislative Assembly may declare an emergency in any bill regulating taxation or exemption, including but not limited to any bill that decreases or suspends taxes or postpones the due date of taxes, if the Legislative Assembly determines that the enactment of the bill is necessary to provide an adequate response to the catastrophic disaster.

Section 4. Additional powers of Legislative Assembly.

(1) If the Governor declares that a catastrophic disaster has occurred:

(a) The Legislative Assembly may enact laws authorizing the use of revenue described in section 3a, Article IX of this Constitution, for purposes other than those described in that section.

(b) The Legislative Assembly may, by a vote of the number of members of each house that constitutes a quorum under subsection (2) of section 3 of this Article, appropriate moneys that would otherwise be returned to taxpayers under section 14, Article IX of this Constitution, to state agencies for the purpose of responding to the catastrophic disaster.

(c) Notwithstanding section 7, Article XI of this Constitution, the Legislative Assembly may lend the credit of the state or create debts or liabilities in an amount the Legislative Assembly considers necessary to provide an adequate response to the catastrophic disaster.

(d) The provisions of section 15, Article XI of this Constitution, do not apply to any law that is approved by three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.

(e) The Legislative Assembly may take action described in subsection (6) of section 15, Article XI of this Constitution, upon approval by three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.

(f) Notwithstanding section 4, Article XV of this Constitution, the Legislative Assembly may allocate proceeds from the State Lottery for any purpose and in any ratio the Legislative Assembly determines necessary to provide an adequate response to the catastrophic disaster.

(2) Nothing in this section overrides or otherwise affects the provisions of section 15b, Article V of this Constitution.

Section 5. Participation in session of Legislative Assembly by electronic or other means.

For purposes of sections 3 and 4 of this Article, a member of the Legislative Assembly who cannot be physically present at a session convened under section 1 of this Article shall be considered in attendance if the member is able to participate in the session through electronic or other means that enable the member to hear or read the proceedings as the proceedings are occurring and enable others to hear or read the member's votes or other contributions as the votes or other contributions are occurring.

Section 6. Termination of operation of this Article; extension by Legislative Assembly; transition provisions; limitation on power of Governor to invoke this Article.

(1) Except as provided in subsection (2) of this section, the provisions of sections 1 to 5 of this Article, once invoked, shall cease to be operative not later than 30 days following the date the Governor invoked the provisions of sections 1 to 5 of this Article, or on an earlier date recommended by the Governor and determined by the Legislative Assembly. The Governor may not recommend a date under this subsection unless the Governor finds and declares that the immediate response to the catastrophic disaster has ended.

(2) Prior to expiration of the 30-day limit established in subsection (1) of this section, the Legislative Assembly may extend the operation of sections 1 to 5 of this Article beyond the 30-day limit upon the approval of three-fifths of the members of each house who are able to attend a session described in subsection (3) of section 3 of this Article.

(3) The determination by the Legislative Assembly required by subsection (1) of this section or an extension described in subsection (2) of this section shall take the form of a bill. A bill that extends the operation of sections 1 to 5 of this Article shall establish a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative. A bill described in this subsection shall be presented to the Governor for action in accordance with section 15b, Article V of this Constitution.

(4) A bill described in subsection (3) of this section may include any provisions the Legislative Assembly considers necessary to provide an orderly transition to compliance with the requirements of this Constitution that have been overridden under this Article because of the Governor's declaration of a catastrophic disaster.

(5) The Governor may not invoke the provisions of sections 1 to 5 of this Article more than one time with respect to the same catastrophic disaster. A determination under subsection (1) of this section or an extension described in subsection (2) of this section that establishes a date upon which the provisions of sections 1 to 5 of this Article shall cease to be operative does not prevent invoking the provisions of sections 1 to 5 of this Article in response to a new declaration by the Governor that a different catastrophic disaster has occurred

Wisconsin Stat. Sec. 13.42

13.42 Virtual meetings of the legislature and legislative committees

(1) In this section:

(a) "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this state or a portion of this state, or critical systems, including computer, telecommunications, or agricultural systems.

(b) "Member" means a member of the legislature.

(2) Either house of the legislature, under its rules or joint rules, may issue a notice that the house and its committees are prevented from physically meeting at the seat of government due to an emergency resulting from a disaster or the imminent threat of a disaster.

(3) If a house issues a notice under sub. (2), that house and any committee of that house may conduct a meeting and transact business through the use of any means of communication by which all of the following occur:

(a) The identity of each participating member may be verified, and the actions of each participating member may be authenticated, in a manner satisfactory to the presiding officer or committee chairperson.

(b) During the meeting, all participating members may simultaneously hear or read the comments of each member who is recognized by the presiding officer or committee chairperson.

(c) Any document that is used during the meeting by a member and that is accepted by the presiding officer or committee chairperson is immediately transmitted to each participating member.

(d) Except as provided in sub. (8), within technological limits, the public may monitor the proceedings of the house or committee.

(4) In order to hold a meeting of a joint committee in the manner provided under sub. (3), each house of the legislature shall issue a notice of emergency under sub. (2).

(5) For the purposes of article IV, section 11, of the Wisconsin Constitution, a meeting held under sub. (3) or (10) shall be considered to have occurred at the seat of government and all actions taken during the meeting shall have the same legal effect as if the members were physically present at the seat of government.

(6) For purposes of determining the presence of a quorum in proceedings or meetings held under this section, any participating member shall be considered present as if the member were physically present at the seat of government.

(7) Except as provided in sub. (8), a meeting held under sub. (3) or (10) shall be preceded by the same or substantially equivalent public notice as would be required if the members were physically present at the seat of government.

(8) Subsections (3) (d) and (7) do not apply with respect to a meeting held under sub. (3), if pursuant to article IV, section 10, of the Wisconsin Constitution, the public welfare requires secrecy.

(9) In presiding over a meeting of a house of the legislature described under sub. (3) or (10), the presiding officer shall interpret and apply all rules of proceeding of that house that presume the physical presence of members in the house's chambers at the seat of government, in such a manner as to accomplish the same purposes for which the rules were adopted.

(10) Notwithstanding the requirement for a notice of emergency under sub (2), and pursuant to the session schedule under s. 13.02 (3), the legislature may meet for up to one week per session by holding a meeting as described under sub. (3) in order to practice meeting in that manner.

(11) This section does not limit the authority of either house of the legislature to use teleconferencing for purposes of holding a committee meeting at the seat of government.

Item Mentioned in the Section on Temporary Suspension or Modification of Quorum in an Emergency

Below are examples of constitutional or statutory permitting quorum requirements to be suspended or modified in an emergency.

Alabama

Ala Code § 29-3-13 Quorum and vote requirements.

In the event of an attack:

- (1) Quorum requirements for the Legislature shall be suspended; and
- (2) Where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

(Acts 1961, No. 875, p. 1371, §13.)

Georgia

Ga. Code § 38-3-53. Emergency locations -- Meeting of General Assembly; call; suspension of constitutional rules

The General Assembly shall meet at the new location provided for in Code Section 38-3-52 either upon the call of the Governor or, if no call is issued, through the initiative of the members thereof following an emergency or disaster resulting from manmade or natural causes or enemy attack impending or affecting this state. At such time the General Assembly shall not be limited by any constitutional provisions relating to length of sessions, and it may suspend the operation of any and all constitutional rules governing the procedure of both the House of Representatives and the Senate as it deems necessary during the period of emergency or disaster.

Ga. L. 1962, p. 473, § 1; Ga. L. 1973, p. 74, § 11.

Idaho

Idaho Code Tit. 67, Ch. 425

67-425. Quorum and vote requirements. In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. [67-425, added 1961 (E.S.), ch. 4, sec. 13, p. 20.]

Kansas

Kan. Stat. §48-1312. Quorum and vote requirements. In the event of an attack (1) quorum requirements for the legislature shall be suspended; and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. L. 1961, ch. 252, § 12; June 30.

Louisiana

La. Rev. Stat. §24:74 Quorum and vote requirements

In the event of an attack:

- (1) Quorum requirements for the legislature shall be suspended, and
- (2) Where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action otherwise would be required, the same proportion of those voting thereon shall be sufficient. Acts 1963, No. 113, §14.

Minnesota

Minn. Stat. § 3.96 Quorum and Vote Requirements.

In the event of an attack the quorum requirement for the legislature is a majority of the members of each house who convene for the session. If the affirmative vote of a specified proportion of members of the legislature would otherwise be required to approve a bill, resolution, or for any other action, the same proportion of the members of each house convening at the session is sufficient. 1961 c 572 s 4; 1988 c 469 art 1 s 1

Montana

Mont. Code § 10-3-606. Quorum requirement. If, following an enemy attack, the legislature or any state or local government council, board, or commission is unable to assemble a quorum as defined by the constitution of Montana or by statute, then those legislators or members of the council, board, or commission available for duty shall constitute the legislature, board, or commission and quorum requirements shall be suspended. Where the affirmative vote of a specified proportion of members for the approval of any action would otherwise be required, the same proportion of those voting thereon shall be sufficient. En. Sec. 6, Ch. 268, L. 1967; R.C.M. 1947, 82-3806.

Nebraska

Neb. Const. Art 3, Sec. 29 Legislative authority in emergencies due to enemy attack upon United States. 3-29 Legislative authority in emergencies due to enemy attack upon United States. (1). In order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack upon the United States, or the imminent threat thereof, the Legislature shall have the power and the immediate duty, notwithstanding any other provision to the contrary in this Constitution, to provide by law for:

...

(b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor, during or after a war or enemy caused disaster occurring in the United States; and, with respect to any such emergency session, the suspension or temporary change of the provisions of this Constitution or of general law relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;

...

Source - Neb. Const. art. III, sec. 29 (1960); Adopted 1960, Laws 1959, c. 234, sec. 1, p. 815.

Nevada

Nev. Const. Art. 4 Section 37. Continuity of government in case of enemy attack; succession to public offices; legislative quorum requirements; relocation of seat of government. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for immediate and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations, including changes in quorum requirements in the legislature and the relocation of the seat of government. In the exercise of the powers hereby conferred, the legislature shall conform to the requirements of this constitution except to the extent that in the judgment of the legislature so to do would be impracticable or would admit of undue delay.

[Added in 1964. Proposed and passed by the 1961 legislature; agreed to and passed by the 1963 legislature; and approved and ratified by the people at the 1964 general election. See: Statutes of Nevada 1961, p. 831; Statutes of Nevada 1963, p. 1416.]

North Dakota

N.D. Const. Art. 11, Sec. 7

The legislative assembly, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and immediate duty (1) to provide 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 of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for ensuring the continuity of governmental operations including, but not limited to, waiver of constitutional restrictions upon the place of transaction of governmental business, upon the calling of sessions of the legislative assembly, length of sessions, quorum and voting requirements, subjects of legislation and appropriation bill requirements, upon eligibility of legislators to hold other offices, residence requirements for legislators, and upon expenditures, loans or donations of public moneys. In the exercise of the powers hereby conferred the legislative assembly shall in all respects conform to the requirements of this constitution except to the extent that in the judgment of the legislative assembly so to do would be impracticable or would admit of undue delay.

Texas

Tex. Const. Art. 3, Sec. 62

... (b) When such a period of emergency or the immediate threat of enemy attack exists, the Legislature may suspend procedural rules imposed by this Constitution that relate to:

- (1) the order of business of the Legislature;
- (2) the percentage of each house of the Legislature necessary to constitute a quorum;
- (3) the requirement that a bill must be read on three days in each house before it has the force of law;
- (4) the requirement that a bill must be referred to and reported from committee before its consideration; and
- (5) the date on which laws passed by the Legislature take effect.

Virginia

Va. Const. Art 4, Sec. 8. Quorum.

A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe. A smaller number, not less than two-fifths of the elected membership of each house, may meet and may, notwithstanding any other provision of this Constitution, enact legislation if the Governor by proclamation declares that a quorum of the General Assembly cannot be convened because of enemy attack upon the soil of Virginia. Such legislation shall remain effective only until thirty days after a quorum of the General Assembly can be convened.

Washington

Wash. Const. Art. 2, Sec. 42. Governmental Continuity During Emergency Periods.

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 Constitution: Provided, That if, in the judgment of the legislature at the time of 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. [AMENDMENT 109, 2019 Senate Joint Resolution No. 8200.

Approved November 5, 2019.]

NOTES:

Continuity of government act: Chapter 42.14 RCW.

Wash. Rev. Code §42-14-030

Legislature.

In the event that a catastrophic incident reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of a catastrophic incident, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution, or other action would otherwise be required,

the same proportion of those voting thereon shall be sufficient. In the event of a catastrophic incident, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the inception of the catastrophic incident. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the catastrophic incident, automatically convene at the place where the governor then has his or her office. Each legislator shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the catastrophic incident, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended. [2019 c 471 § 6; 2012 c 117 § 107; 1963 c 203 § 4.]