



2011 ASSEMBLY JOINT RESOLUTION 8

February 2, 2011 – Introduced by Representative BALLWEG, cosponsored by Senators HOPPER and JAUCH. Referred to Committee on Homeland Security and State Affairs.

- 1 **To amend** section 34 of article IV of the constitution; **relating to:** continuity of
2 government (second consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2011 legislature for submittal to the voters in April 2011, was first considered by the 2009 legislature in 2009 Assembly Joint Resolution 59, which became 2009 Enrolled Joint Resolution 14.

Article IV, section 34, of the Wisconsin Constitution provides that the legislature, to ensure continuity of state and local government operations in periods of emergency resulting from enemy attack, must 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 be unavailable to carry on the powers and duties of the offices. In addition, the legislature must adopt any other measures that may be necessary to obtain the objectives of that section of the constitution.

This constitutional amendment amends that provision in article IV, section 34, to strike the phrase “enemy action in the form of an attack” and substitute “a severe or prolonged, natural or human-caused, occurrence that threatens life, health, or the security of the state,” thereby providing for legislative action to ensure continuity in periods of emergency, whether resulting from enemy attack or from other causes.

PROCEDURE FOR SECOND CONSIDERATION

When a proposed constitutional amendment is before the legislature on second

consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

1 Whereas, the 2009 legislature in regular session considered a proposed
2 amendment to the constitution in 2009 Assembly Joint Resolution 59, which became
3 2009 Enrolled Joint Resolution 14, and agreed to it by a majority of the members
4 elected to each of the 2 houses, which proposed amendment reads as follows:

SECTION 1. Section 34 of article IV of the constitution is amended to read:

[Article IV] Section 34. The legislature, in order to ensure continuity of state and local governmental operations in periods of emergency resulting from enemy action in the form of an attack a severe or prolonged, natural or human-caused, occurrence that threatens life, health, or the security of the state, shall (1) forthwith 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) adopt such other measures as may be necessary and proper for attaining the objectives of this section.

5 *Now, therefore, be it resolved by the assembly, the senate concurring,*
6 *That* the foregoing proposed amendment to the constitution is agreed to by the 2011
7 legislature; and, be it further

8 *Resolved, That* the foregoing proposed amendment to the constitution be
9 submitted to a vote of the people at the election to be held on the first Tuesday in April
10 2011; and, be it further

11 *Resolved, That* the question concerning ratification of the foregoing proposed
12 amendment to the constitution be stated on the ballot as follows:

