



2009 SENATE JOINT RESOLUTION 39

June 4, 2009 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Emergency Management and Continuity of Government.

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 joint resolution amends that provision article IV, section 34, of the Wisconsin Constitution to strike the phrase "resulting from enemy action in the form of an attack," thereby providing for legislative action to ensure continuity in periods of emergency, whether resulting from enemy attack or from other causes.

A constitutional amendment requires adoption of two successive legislatures, and ratification by the people, before it can become effective.

3 **Resolved by the senate, the assembly concurring, That:**

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

5 [Article IV] Section 34. The legislature, in order to ensure continuity of state
6 and local governmental operations in periods of emergency ~~resulting from enemy~~

1 ~~action in the form of an attack~~, shall (1) forthwith provide for prompt and temporary
2 succession to the powers and duties of public offices, of whatever nature and whether
3 filled by election or appointment, the incumbents of which may become unavailable
4 for carrying on the powers and duties of such offices, and (2) adopt such other
5 measures as may be necessary and proper for attaining the objectives of this section.

6 ***Be it further resolved, That*** this proposed amendment be referred to the
7 legislature to be chosen at the next general election and that it be published for 3
8 months previous to the time of holding such election.

9 (END)