

HOUSE BILL REPORT

HB 1059

As Reported by House Committee On:
Public Safety

Title: An act relating to a proclamation of a state of emergency.

Brief Description: Providing that a proclamation of a state of emergency is effective upon the governor's signature.

Sponsors: Representative Goodman; by request of Governor Gregoire.

Brief History:

Committee Activity:

Public Safety: 1/23/13, 1/30/13 [DP].

Brief Summary of Bill

- Makes a proclamation of a state of emergency directly effective upon the Governor's signature.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 11 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Yvonne Walker (786-7841).

Background:

A Governor may proclaim a state of emergency when a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health, property, or public peace. The state of emergency is proclaimed for, and only effective within, the affected area which may be part or all of the state. An emergency proclamation enables the Governor to prohibit specific activities, such as public gatherings, transfer of combustible materials, public possession of firearms, and the use of public streets at any time during the state of emergency. The Governor may also prohibit other activities as he or she reasonably believes is necessary to help preserve and maintain life, health, property, or the public peace.

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.

A state of emergency proclamation by the Governor is also a prerequisite for accessing a range of federal disaster recovery programs and funding available to the state and is a precondition for requesting interstate mutual aid through the Emergency Management Assistance Compact. A proclamation ends upon the Governor's issuance of a proclamation declaring its termination.

A proclamation of a state of emergency must be in writing, signed by the Governor, and forwarded to the Secretary of State for attestation of the official acts of the Governor, affixation of the state seal, and official filing. An emergency proclamation takes immediate effect upon physical affixation of the seal of the Secretary of State to a document signed by the Governor proclaiming a state of emergency.

Summary of Bill:

A proclamation of a state of emergency is effective directly upon the Governor's signature.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) During past emergencies, it has been difficult to issue an emergency proclamation and get those documents delivered, signed, and sealed by the Secretary of State in a fast and efficient manner during such disasters as snow storms and fires. This delays the state in obtaining emergency help or requesting the assistance of the National Guard in a speedy manner.

The Office of the Secretary of State does not look at the substance of the Governor's documents; they just verify the signature, add the state's seal on it, and file it.

(With concerns) The Office of the Secretary of State supports the efficient issuance of proclamations but recommends the Legislature take this type of step in a measured fashion. When a state of emergency is declared, that is changing the law in a temporary fashion. If this bill were to pass, it would give the Governor and in some cases the Lieutenant Governor some unilateral power. It is recommended that the Legislature proceed with caution.

(Opposed) None.

Persons Testifying: (In support) Representative Goodman, prime sponsor; and John Lane, Office of the Governor.

(With concerns) Katie Blinn, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.