

# HOUSE BILL REPORT

## SB 5025

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**As Passed House:**  
April 11, 2013

**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:** Senators Roach, Conway and Shin; by request of Governor Gregoire.

**Brief History:**

**Committee Activity:**

Public Safety: 4/2/13 [DP].

**Floor Activity:**

Passed House: 4/11/13, 89-8.

**Brief Summary of Bill**

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

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 10 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Holy, 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

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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.

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 Office of the Secretary of State (SOS) 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 SOS 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) The SOS needs to affix a seal to all declarations of emergency documents in order to certify that the Governor's signature is really the Governor's signature. The SOS does not have any other authority or discretion, and cannot second guess the Governor's decision to declare an emergency. The SOS acts basically as a notary of the public with the role of its office being solely to validate that the Governor's signature is really the true signature.

During emergency situations, the operation centers on the local level feed information to the state Emergency Operations Center of the Military Department. The Military Department will then assess the situation and make a determination as to whether additional state and local resources are needed to mobilize. Under current law, by waiting for the SOS to certify the Governor's signature during a state of emergency, it impedes the Military Department's ability to mobilize resources and support.

The SOS has always played the role of recordkeeper and by the state Constitution it is the state agency that protects the state seal. The state seal is put on all official documents of the Governor.

(Opposed) None.

**Persons Testifying:** Nancy Bickford, Washington Military Department; and Katie Blinn, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** None.