H-1242.3

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**HOUSE BILL 1557**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives MacEwen, Chapman, Boehnke, Jacobsen, Ybarra, Dufault, Dent, Robertson, Goehner, Stokesbary, Griffey, Corry, Orcutt, Klicker, Young, and Paul

AN ACT Relating to increasing legislative involvement in gubernatorial proclamations relating to a state of emergency; amending RCW 43.06.210 and 43.06.220; creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature recognizes that the executive branch is well-equipped to confront emergencies and lead responses. However, for long-lasting states of emergency when the continuity of government has not been disrupted, the legislature finds that each of the branches of government has a role to play. Accordingly, this act is designed to ensure adequate legislative involvement in long-lasting states of emergency.

**Sec.**  RCW 43.06.210 and 2013 c 21 s 1 are each amended to read as follows:

(1) The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. A proclamation of a state of emergency is effective upon the governor's signature. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended.

(2) The state of emergency shall cease to exist ((~~upon~~)) the earlier of:

(a) The issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected;

(b) The termination of the state of emergency by the legislature through a concurrent resolution; or

(c) Sixty days after a proclamation of a state of emergency is signed by the governor unless extended by the legislature through concurrent resolution. If the legislature is not in session, the state of emergency may be extended in writing by no less than three of the four members of the leadership of the senate and the house of representatives until the legislature can extend the state of emergency by concurrent resolution. No individual extension may exceed 60 days, but the legislature may pass subsequent resolutions of extension and the leadership of the senate and the house of representatives may issue subsequent extensions in writing in accordance with this subsection (2)(c). For purposes of this section, "leadership of the senate and the house of representatives" means the majority leader of the largest caucus of the senate, minority leader of the second largest caucus of the senate, speaker of the house of representatives, and minority leader of the second largest caucus of the house of representatives.

**Sec.**  RCW 43.06.220 and 2019 c 472 s 2 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The sale, purchase or dispensing of alcoholic beverages;

(f) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(g) The use of certain streets, highways or public ways by the public; and

(h) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in the following areas:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes;

(f) Permits for industrial, business, or medical uses of alcohol; and

(g) Such other statutory and regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, unless (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another statewide elected official, (ii) the waiver or suspension would conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or (iii) the waiver or suspension would conflict with the rights, under the First Amendment, of freedom of speech or of the people to peaceably assemble. The governor shall give as much notice as practical to legislative leadership and impacted local governments when issuing orders under this subsection (2)(g).

(3) ((~~In imposing the~~)) Any restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, imposed by the governor ((~~may impose them~~)) are in effect for such times, upon such conditions, with such exceptions and in such areas of this state ((~~he or she~~)) that the governor from time to time deems necessary, except that the legislature may terminate any restriction imposed as described under this subsection (3) through a concurrent resolution.

(4) No order or orders ((~~concerning waiver or suspension of statutory obligations or limitations under subsection (2) of~~)) under this section may continue for longer than thirty days unless extended by the legislature through concurrent resolution. If the legislature is not in session, ((~~the waiver or suspension of statutory obligations or limitations~~)) an order under this section may be extended in writing by no less than three of the four members of the leadership of the senate and the house of representatives until the legislature can extend the ((~~waiver or suspension~~)) order under this section by concurrent resolution. For purposes of this section, "leadership of the senate and the house of representatives" means the majority ((~~and~~)) leader of the largest caucus of the senate, minority leader((~~s~~)) of the second largest caucus of the senate ((~~and the~~)), speaker of the house of representatives, and ((~~the~~)) minority leader of the second largest caucus of the house of representatives.

(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**