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## State Government Committee

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### HB 2897

**Brief Description:** Granting the governor powers to temporarily close executive agencies without a state of emergency.

**Sponsors:** Representatives Hunt, Armstrong, Romero and Sullivan.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Permits the Governor, in his or her role as the head of all executive agencies, to temporarily close all or some of the agencies even without a declared state of emergency.</li></ul>
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**Hearing Date:** 2/5/04

**Staff:** Matt Kuehn (786-7291).

**Background:**

Unilateral actions by a Governor are addressed at RCW 43.06.010. The Governor may, as part of his statutory and constitutional power: supervise all executive offices; see that all executive offices are filled by appointment; communicate with other sovereign governments; direct the Attorney General (AG) to defend the state in legal actions; direct the AG or a prosecuting attorney to investigate a corporation; direct the AG to assist a prosecuting attorney; offer rewards for at-large felons or suspected felons; issue and transmit election proclamations; require a board or officer to make reports to the Governor; declare a state of emergency; order plant quarantines or take other measures to avoid infestations; and execute compacts with Indian Tribes pursuant to Indian Gaming Regulations.

The Governor may declare a state of emergency in part or all of the state as part of his or her police power to impose restrictions where there is a need to protect the general public. In a state of emergency, the Governor has statutory authority to act with immediate discretion in a situation which amounts to a civil disorder, disaster, energy emergency, or riot. In such circumstances the Governor is permitted to prohibit any activity for the purpose of preserving and maintaining life, health, property or the public peace.

The executive title of the RCW is silent as to the Governor's authority to act unilaterally in situations not amounting to declared states of emergency. The Governor is not specifically granted the power to close agencies during civil disorders, disasters, energy emergencies or riots where those events are not declared states of emergency.

**Summary of Bill:**

The bill allows the Governor to close agencies without declaring a state of emergency.

There is still a requirement of some public disorder, disaster, energy emergency, or riot, but it allows agency closures, in whole or in part, where those circumstances do not amount to a state of emergency. In circumstances where the disorder, disaster, emergency, or riot are sufficient to declare a state of emergency, the bill allows for closure of agencies without the Governor declaring a state of emergency.

The only unilateral power granted to the Governor is closure of agencies and their offices. Actions beyond closure would require a declared state of emergency.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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