

# SENATE BILL REPORT

## HB 1059

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As of March 29, 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:** Representative Goodman; by request of Governor Gregoire.

**Brief History:** Passed House: 2/22/13, 89-7.

**Committee Activity:** Governmental Operations: 3/28/13.

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### SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Staff:** Samuel Brown (786-7470)

**Background:** The Governor may declare a state of emergency in the area of the state affected by a riot, energy emergency, public disorder, or disaster by a written proclamation filed with the Secretary of State. 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. A state of emergency applies only to the geographic area specified in the proclamation.

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. In a state of emergency, the Governor may also prohibit activities as the Governor reasonably believes are necessary to help preserve and maintain life, health, property, or the public peace. The Governor has authority to waive or suspend statutory obligations or limitations for certain, limited executive functions, such as purchasing rules, during and in the areas affected by an emergency proclamation. An emergency proclamation enables the Governor to mobilize the National Guard and State Patrol to restore order to affected areas.

An emergency proclamation is a prerequisite for accessing a variety of federal disaster recovery programs and funding available to the state and is a prerequisite for requesting interstate mutual aid through the Emergency Management Assistance Compact. The state of emergency ends by the Governor's proclamation, which must be issued when order has been restored to the affected area.

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*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.*

**Summary of Bill:** A proclamation of a state of emergency is effective immediately upon the Governor's signature.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: When the Governor signs a declaration of emergency, there could be a potentially tragic delay between when the Governor signs the document and the mobilization of those who address the emergency. That window of time could endanger people. We want to be able to mobilize forces to respond as quickly as possible. The purpose of affixing the seal on the declaration is a formality to certify that it is the Governor's signature, not to second guess the Governor's decision. This is a government efficiency and public safety measure in making sure the National Guard can deploy as soon as possible. A delay occurred with fires this summer – the emergency management had helicopters ready to go, but needed to wait for the Secretary of State's seal.

**Persons Testifying:** PRO: Representative Goodman, prime sponsor; John Lane, Governor's Office.