
HOUSE BILL 1535

State of Washington

68th Legislature

2023 Regular Session

By Representatives Corry, Abbarno, Stokesbary, Robertson, McClintock, Couture, Goehner, Connors, Griffey, Schmick, Christian, Jacobsen, Schmidt, Volz, Chambers, Eslick, Cheney, Hutchins, Barkis, Graham, Rude, Klicker, and Walsh

Read first time 01/24/23. Referred to Committee on State Government & Tribal Relations.

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

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that the
7 executive branch is well-equipped to confront emergencies and lead
8 responses. However, for long-lasting states of emergency when the
9 continuity of government has not been disrupted, the legislature
10 finds that each of the branches of government has a role to play.
11 Accordingly, this act is designed to ensure adequate legislative
12 involvement in long-lasting states of emergency.

13 **Sec. 2.** RCW 43.06.210 and 2013 c 21 s 1 are each amended to read
14 as follows:

15 (1) The proclamation of a state of emergency and other
16 proclamations or orders issued by the governor pursuant to RCW
17 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter
18 amended shall be in writing and shall be signed by the governor and
19 shall then be filed with the secretary of state. A proclamation of a
20 state of emergency is effective upon the governor's signature. The

1 governor shall give as much public notice as practical through the
2 news media of the issuance of proclamations or orders pursuant to RCW
3 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter
4 amended.

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

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

11 (b) The passage of a concurrent resolution by the legislature
12 declaring the termination of the state of emergency. If the
13 legislature is not in session, the state of emergency may be
14 terminated in writing by all of the four members of the leadership of
15 the senate and the house of representatives; or

16 (c) Sixty days after a proclamation of a state of emergency is
17 signed by the governor, unless extended by the legislature through
18 concurrent resolution. If the legislature is not in session, the
19 state of emergency may be extended in writing by all of the four
20 members of the leadership of the senate and the house of
21 representatives until the legislature can extend the state of
22 emergency by concurrent resolution. The governor or legislature may
23 also call a special session, consistent with the procedures outlined
24 in the Constitution, to vote on a concurrent resolution to extend a
25 state of emergency. No individual extension may exceed 60 days, but
26 the legislature may pass subsequent resolutions of extension and the
27 leadership of the senate and the house of representatives may issue
28 subsequent extensions in writing in accordance with this subsection
29 (2)(c).

30 (3) Following the termination of a state of emergency under
31 subsection (2) of this section, the governor may not declare a state
32 of emergency on the same or a substantially similar topic. The
33 legislature may reinstate a previously terminated state of emergency
34 by concurrent resolution or, if the legislature is not in session, in
35 writing by all of the four members of the leadership of the senate
36 and the house of representatives.

37 (4) For purposes of this section, "leadership of the senate and
38 the house of representatives" means the majority leader of the
39 largest caucus of the senate, minority leader of the second largest
40 caucus of the senate, speaker of the house of representatives, and

1 minority leader of the second largest caucus of the house of
2 representatives.

3 **Sec. 3.** RCW 43.06.220 and 2019 c 472 s 2 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

35 (a) Liability for participation in interlocal agreements;

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

38 (c) Application of the family emergency assistance program;

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

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

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

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

23 (3) ~~((In imposing the))~~ Any restrictions imposed by the governor
24 as provided for by RCW 43.06.010((r)) and 43.06.200 through
25 43.06.270((r, the governor may impose them)) are in effect for such
26 times, upon such conditions, with such exceptions, and in such areas
27 of this state ~~((he or she))~~ that the governor from time to time deems
28 necessary, except that:

29 (a) The legislature may terminate any restriction through a
30 concurrent resolution; and

31 (b) If the legislature is not in session, a restriction may be
32 terminated in writing by all of the four members of the leadership of
33 the senate and the house of representatives.

34 (4) No order or orders ~~((concerning waiver or suspension of~~
35 ~~statutory obligations or limitations under subsection (2) of))~~ under
36 this section may continue for longer than thirty days unless extended
37 by the legislature through concurrent resolution. If the legislature
38 is not in session, ~~((the waiver or suspension of statutory~~
39 ~~obligations or limitations))~~ an order under this section may be
40 extended in writing by all of the four members of the leadership of

1 the senate and the house of representatives until the legislature can
2 extend the ~~((waiver or suspension))~~ order under this section by
3 concurrent resolution.

4 (5) For purposes of this section, "leadership of the senate and
5 the house of representatives" means the majority ((and)) leader of
6 the largest caucus of the senate, minority leader((s)) of the second
7 largest caucus of the senate ((and the)), speaker of the house of
8 representatives, and ((the)) minority leader of the second largest
9 caucus of the house of representatives.

10 ~~((5))~~ (6) An order issued by the governor under this section
11 must be drafted in a format that complies with the following:

12 (a) An order that waives or suspends provisions of law must set
13 forth the entirety of the section or sections of law that are being
14 waived or suspended, clearly showing the provisions that are no
15 longer in effect; and

16 (b) A new order that extends or modifies previous orders on the
17 same topic must set forth, in full, the entirety of waivers or
18 suspensions that are or continue to be in effect as of the issuance
19 of the new order. If the new order modifies previous orders, the
20 nature and extent of the modification must also be clearly described
21 in the new order.

22 (7) Any person willfully violating any provision of an order
23 issued by the governor under this section is guilty of a ((gross
24 misdemeanor)) civil infraction and may receive a fine of up to
25 \$1,000, to be imposed at the discretion of the agency responsible for
26 implementing the provision of the order that has been violated, or by
27 the governor if no agency is responsible for implementation.

28 NEW SECTION. Sec. 4. This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of
30 the state government and its existing public institutions, and takes
31 effect immediately.

--- END ---