

# HOUSE BILL REPORT

## SB 6950

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### As Passed House:

March 5, 2008

**Title:** An act relating to limited waiver or suspension of statutory obligations during officially declared emergencies.

**Brief Description:** Providing a limited waiver or suspension of statutory obligations during officially declared emergencies.

**Sponsors:** By Senators Brown, Hewitt, Fraser, Brandland, Swecker, Hatfield, Rasmussen, Rockefeller, Stevens, Haugen, Zarelli, Pridemore, Parlette, Sheldon, Hobbs, Hargrove, Holmquist, Fairley, Prentice, Kauffman, Berkey, Kilmer, Kohl-Welles, Shin, Carrell, King, Schoesler, Morton, Delvin, Pflug, Honeyford and Eide.

### Brief History:

#### Committee Activity:

State Government & Tribal Affairs: 2/28/08 [DP].

#### Floor Activity:

Passed House: 3/5/08, 96-0.

### Brief Summary of Bill

- Extends the Governor's authority under a declared state of emergency to waive or suspend statutory obligations.
- Authorizes the Department of Community, Trade and Economic Development to enter into interlocal agreements with public agencies and transfers liability associated with acts under the agreements to the state.
- Authorizes county auditors and the Department of Revenue to grant extensions of taxes due during a declared state of emergency.
- Authorizes an alternative timber tax collection method for certain harvesters in areas declared a disaster due to the storms and flooding of 2007.

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## HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

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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.*

**Majority Report:** Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Kretz, Liias, Miloscia and Ormsby.

**Staff:** Marsha Reilly (786-7135).

**Background:**

The Governor has the authority to proclaim a state of emergency in any area of the state affected by a public disorder, disaster, energy emergency, or riot. The powers granted to the Governor under a state of emergency proclamation allow him or her to issue an order prohibiting such things as the gathering of persons in public or private places; the manufacture, transfer, possession or use of explosive devices; transporting, possessing or using combustible materials; possession of firearms or other deadly weapons; the sale and purchase of alcoholic beverages; and the use of certain streets or highways. Powers granted to the Governor under a declared emergency are effective only within the area described in and during the time of the proclamation.

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**Summary of Bill:**

In order to facilitate the operation of government, or for the safety and protection of the civilian population, the Governor has the authority to waive or suspend statutory obligations or limitations for certain executive functions during, and in the areas affected by, a proclamation of emergency, including:

- liability for participation in interlocal agreements;
- inspection fees owed to the Department of Labor and Industries (L&I);
- application of the family emergency assistance program;
- regulations, tariffs, and notice requirements under the jurisdiction of the Utilities and Transportation Commission (UTC);
- application of tax due dates and penalties relating to collection of taxes; and
- permits for industrial, business, or medical uses of alcohol.

During a state of emergency, the Governor may waive or suspend the collection of fees charged by the L&I for permits for inspections of:

- electrical installations;
- mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers;
- factory built housing and commercial structures;
- boilers and unfired pressure vessels; and
- elevators, lifting devices, and moving walks.

The Governor may also order that the benefits of the Family Emergency Assistance Program be extended to individuals and families without children; that the authority of the UTC to set tariffs, enforce regulations, require notice, and collect taxes be waived or suspended; and that the requirement for a special liquor purchase permit for alcohol used for medical or health purposes be waived.

The Department of Community, Trade and Economic Development may enter into interlocal agreements with public agencies that provide mutual aide and cooperation to the public agencies affected by the emergency. Any liability arising from acts done by these public agencies during, traveling to or from, or in preparation for the emergency are obligations of the state, unless they are undertaken by the United States.

The county treasurers have authority during a state of emergency to grant extensions of the due date of any property taxes. Likewise, the Department of Revenue (DOR) may grant an extension of the due date of any taxes due to the DOR.

A timber harvester may calculate the excise tax for an amount of timber not exceeding five million board feet in the same manner as is allowed for an amount of timber not exceeding two million board feet under the following conditions:

the timber is harvested after December 31, 2007, and before January 1, 2010; the timber is harvested on property within a county designated as a disaster area by the President of the United States and that county is eligible for Federal Emergency Management Agency (FEMA) assistance; and the timber harvester's tax liability was on an amount not exceeding two million board feet each year for calendar years 2005, 2006, and 2007.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except section 602 which reinstates prior law related to fees relating to the issuance of liquor permits after a scheduled expiration and takes effect July 1, 2008.

**Staff Summary of Public Testimony:**

None.

**Persons Testifying:** None.

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