

SENATE BILL REPORT

SB 5025

As Passed Senate, March 11, 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: Senators Roach, Conway and Shin; by request of Governor Gregoire.

Brief History:

Committee Activity: Governmental Operations: 1/29/13, 1/31/13 [DP].
Passed Senate: 3/11/13, 47-2.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Braun, Conway, Fraser and Rivers.

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 is 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.

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.

The state of emergency ends by the Governor's proclamation, which must be issued when order has been restored to the affected area.

Summary of Bill: A proclamation of a state of emergency is effective 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: An emergency proclamation needs the signature and seal of the Secretary of State to be effective. If there are fires in eastern Washington, and the Governor needs to call up the National Guard to assist, that action can't take place until after the actual paperwork gets back to the Secretary of State. The Secretary of State has been flexible, but we're trying to avoid situations like in the past, where a state trooper has had to drive out in a snowstorm to get the signature and seal. This will enable deployment of the National Guard and other emergency necessities to take place immediately. In a life or death situation, we want to make sure we can get the National Guard out as soon as possible.

Persons Testifying: PRO: John Lane, Governor's Office.