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HOUSE BILL 1557

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State of Washington

67th Legislature

2021 Regular Session

By Representatives MacEwen, Chapman, Boehnke, Jacobsen, Ybarra, Dufault, Dent, Robertson, Goehner, Stokesbary, Griffey, Corry, Orcutt, Klicker, Young, and Paul

Read first time 03/19/21. 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; and  
4 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  
6 earlier of:

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

11 (b) The termination of the state of emergency by the legislature  
12 through a concurrent resolution; or

13 (c) Sixty days after a proclamation of a state of emergency is  
14 signed by the governor unless extended by the legislature through  
15 concurrent resolution. If the legislature is not in session, the  
16 state of emergency may be extended in writing by no less than three  
17 of the four members of the leadership of the senate and the house of  
18 representatives until the legislature can extend the state of  
19 emergency by concurrent resolution. No individual extension may  
20 exceed 60 days, but the legislature may pass subsequent resolutions  
21 of extension and the leadership of the senate and the house of  
22 representatives may issue subsequent extensions in writing in  
23 accordance with this subsection (2)(c). For purposes of this section,  
24 "leadership of the senate and the house of representatives" means the  
25 majority leader of the largest caucus of the senate, minority leader  
26 of the second largest caucus of the senate, speaker of the house of  
27 representatives, and minority leader of the second largest caucus of  
28 the house of representatives.

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

31 (1) 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 prohibiting:

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

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

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

4 (d) The transporting, possessing or using of gasoline, kerosene,  
5 or combustible, flammable, or explosive liquids or materials in a  
6 glass or uncapped container of any kind except in connection with the  
7 normal operation of motor vehicles, normal home use or legitimate  
8 commercial use;

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

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

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

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

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

22 (a) Liability for participation in interlocal agreements;

23 (b) Inspection fees owed to the department of labor and  
24 industries;

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

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

28 (e) Application of tax due dates and penalties relating to  
29 collection of taxes;

30 (f) Permits for industrial, business, or medical uses of alcohol;  
31 and

32 (g) Such other statutory and regulatory obligations or  
33 limitations prescribing the procedures for conduct of state business,  
34 or the orders, rules, or regulations of any state agency if strict  
35 compliance with the provision of any statute, order, rule, or  
36 regulation would in any way prevent, hinder, or delay necessary  
37 action in coping with the emergency, unless (i) authority to waive or  
38 suspend a specific statutory or regulatory obligation or limitation  
39 has been expressly granted to another statewide elected official,  
40 (ii) the waiver or suspension would conflict with federal

1 requirements that are a prescribed condition to the allocation of  
2 federal funds to the state, or (iii) the waiver or suspension would  
3 conflict with the rights, under the First Amendment, of freedom of  
4 speech or of the people to peaceably assemble. The governor shall  
5 give as much notice as practical to legislative leadership and  
6 impacted local governments when issuing orders under this subsection  
7 (2)(g).

8 (3) (~~In imposing the~~) Any restrictions provided for by RCW  
9 43.06.010, and 43.06.200 through 43.06.270, imposed by the governor  
10 (~~may impose them~~) are in effect for such times, upon such  
11 conditions, with such exceptions and in such areas of this state (~~he~~  
12 ~~or she~~) that the governor from time to time deems necessary, except  
13 that the legislature may terminate any restriction imposed as  
14 described under this subsection (3) through a concurrent resolution.

15 (4) No order or orders (~~concerning waiver or suspension of~~  
16 ~~statutory obligations or limitations under subsection (2) of~~) under  
17 this section may continue for longer than thirty days unless extended  
18 by the legislature through concurrent resolution. If the legislature  
19 is not in session, (~~the waiver or suspension of statutory~~  
20 ~~obligations or limitations~~) an order under this section may be  
21 extended in writing by no less than three of the four members of the  
22 leadership of the senate and the house of representatives until the  
23 legislature can extend the (~~waiver or suspension~~) order under this  
24 section by concurrent resolution. For purposes of this section,  
25 "leadership of the senate and the house of representatives" means the  
26 majority (~~and~~) leader of the largest caucus of the senate, minority  
27 leader(~~s~~) of the second largest caucus of the senate (~~and the~~),  
28 speaker of the house of representatives, and (~~the~~) minority leader  
29 of the second largest caucus of the house of representatives.

30 (5) Any person willfully violating any provision of an order  
31 issued by the governor under this section is guilty of a gross  
32 misdemeanor.

33 NEW SECTION. Sec. 4. This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of  
35 the state government and its existing public institutions, and takes  
36 effect immediately.

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