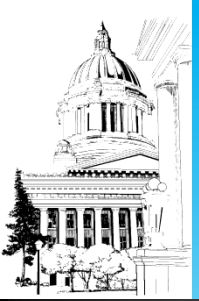




# Washington State Legislative Role During State of Emergency

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# WA State Governor's Powers

The Governor may proclaim a state of emergency after finding that a public disorder, disaster, energy emergency, or riot exists within the state or any part thereof which affects life, health, property, or the public peace.

[RCW 43.06.010](#) (12)

## PROCESS:

- ▶ The proclamation of a state of emergency issued by the Governor shall be:
  - In writing;
  - Signed by the governor; and
  - Filed with the secretary of state.
- ▶ The Governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders.

[RCW 43.06.210](#)

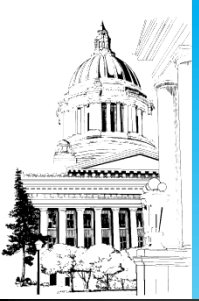


# Duration of State of Emergency

- ▶ A proclamation of a state of emergency is effective upon the Governor's signature and shall cease to exist upon the issuance of a proclamation of the Governor declaring its termination, which must be issued when order has been restored in the area affected.

[RCW 43.06.210](#)

- ▶ From 1976-1977 a state of emergency declared for an energy emergency was limited to 30 days unless there was a declaration:
  - By the president of the United States of a national emergency; or
  - Of the Legislature by concurrent resolution of a continuing condition of a state of emergency.



# Additional Emergency Powers

The statute grants additional emergency powers to the Governor during a state of emergency to issue orders in the area described by the proclamation:

- Prohibiting certain activities
- Concerning waiver or suspension of certain statutory provisions

[RCW 43.06.220](#)

## **PROCESS:**

- ▶ The proclamation or order issued by the Governor shall be:
  - In writing;
  - Signed by the governor; and
  - Filed with the secretary of state.
- ▶ The Governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders.

[RCW 43.06.210](#)



# Legislative History – Emergency Powers

The Governor may issue an order to prohibit:

- a) Any person from being in a public place during a period of curfew;
- b) Assembling or gathering on the public streets, parks, or other open areas of this state;
- c) Molotov cocktail or other objects designed to explode or produce uncontained combustion;
- d) Gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container;
- e) Possession of firearms or any other deadly weapon;
- f) Sale, purchase or dispensing of Alcoholic beverages;
- g) Sale, purchase or dispensing of other commodities or goods;
- h) Use of certain streets, highways or public ways by the public; and
- i) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

The Governor may impose orders during the state of emergency for such times deemed necessary.

Added explicit authority for the Governor to issue orders concerning waiver or suspension of certain statutes concerning:

- a) Liability for participation in interlocal agreements;
- b) Inspection fees owed to the department of labor and industries;
- c) Application of the family emergency assistance program;
- d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;
- e) Application of tax due dates and penalties relating to collection of taxes; and
- f) Permits for industrial, business, or medical uses of alcohol.

**ESB 392**

**SB 6950**

2003

2008

2019

1969

**SB 5758**

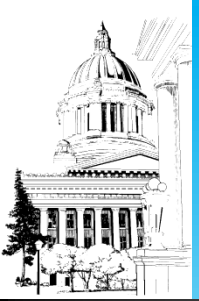
Clean up and Formatting changes

**SB 5260**

Removed authority for the governor to issue an order to prohibit possession of firearms or any other deadly weapon. Added authority to waive or suspend statutory obligations or limitations for certain executive functions if strict compliance with the provision of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, unless certain exceptions apply. Limits a waiver or suspension of statutory obligations or limitations issued by the Governor to 30 days unless the Legislature extends it by concurrent resolution, or in writing by Leadership of the Senate and House of Representatives if the Legislature is not in session.

**Legend**

- Language prohibiting certain activities  
RCW 43.06.220 (1)
- Language concerning waiver or suspension of certain statutory provisions  
RCW 43.06.220 (2)
- Language regarding duration



# Duration of Emergency Orders

- ▶ An order prohibiting certain activities may be issued for the duration of the state of emergency or such times the Governor deems necessary.
  
- ▶ Since 2019, an order concerning waiver or suspension of certain statutory provisions may not continue for longer than 30 days unless extended:
  - By the Legislature through concurrent resolution; or
  - In writing by the leadership of the Senate and the House of Representatives.\*

[RCW 43.06.220](#)

\* "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.



# Summary

## State of Emergency

Declared by Governor  
effective upon signature

Terminated by the Governor  
when order has been restored



## Emergency Orders

Issued by the Governor during a state of emergency

(1) To prohibit certain activities

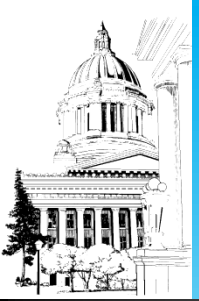
(2) To waive or suspend certain  
statutory provisions



Terminated by the Governor  
when no longer necessary



Limited to 30 days unless  
extended by the Legislature



Questions?