

Effect:

- Removes the limitation of executive orders that prohibit activities during a state of emergency to 30 days unless extended by the legislature.
- Requires legislative consultation with the emergency management division of the Washington military department prior to termination of a state of emergency.
- Inserts methods for legislative termination, modification, or extension of executive orders that prohibit activities during a state of emergency after they have been in effect for more than 60 days.

1 AN ACT Relating to establishing balanced legislative oversight of  
2 gubernatorial powers during a declared emergency; and amending RCW  
3 43.06.210 and 43.06.220.

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

5 **Sec. 1.** RCW 43.06.210 and 2013 c 21 s 1 are each amended to read  
6 as follows:

7 (1) The proclamation of a state of emergency and other  
8 proclamations or orders issued by the governor pursuant to RCW  
9 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter  
10 amended shall be in writing and shall be signed by the governor and  
11 shall then be filed with the secretary of state. A proclamation of a  
12 state of emergency is effective upon the governor's signature.

13 (2) The governor shall give as much public notice as practical  
14 through the news media of the issuance of proclamations or orders  
15 pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or  
16 hereafter amended.

17 (3) The state of emergency shall cease to exist upon ~~((the))~~ any  
18 of the following:

19 (a) The issuance of a proclamation of the governor declaring its  
20 termination: PROVIDED, That the governor must terminate said state of

1 emergency proclamation when order has been restored in the area  
2 affected;

3 (b) Through passage of a concurrent resolution by the legislature  
4 terminating the state of emergency, provided that:

5 (i) The legislature is in session; and

6 (ii) The legislature consults with the emergency management  
7 division of the Washington military department prior to passage of  
8 the concurrent resolution; or

9 (c) Termination of the state of emergency in writing by all four  
10 members of the leadership of the senate and house of representatives,  
11 provided that:

12 (i) The legislature is not in session;

13 (ii) It has been more than 90 days since the state of emergency  
14 was declared by the governor; and

15 (iii) The leadership of the senate and house of representatives  
16 consults with the emergency management division of the Washington  
17 military department prior to termination.

18 (4) For the purposes of this section, "leadership of the senate  
19 and house of representatives" means the majority and minority leaders  
20 of the senate and the speaker and minority leader of the house of  
21 representatives.

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

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

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

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

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

36 (d) The transporting, possessing or using of gasoline, kerosene,  
37 or combustible, flammable, or explosive liquids or materials in a  
38 glass or uncapped container of any kind except in connection with the

1 normal operation of motor vehicles, normal home use or legitimate  
2 commercial use;

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

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

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

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

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

16 (a) Liability for participation in interlocal agreements;

17 (b) Inspection fees owed to the department of labor and  
18 industries;

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

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

22 (e) Application of tax due dates and penalties relating to  
23 collection of taxes;

24 (f) Permits for industrial, business, or medical uses of alcohol;  
25 and

26 (g) Such other statutory and regulatory obligations or  
27 limitations prescribing the procedures for conduct of state business,  
28 or the orders, rules, or regulations of any state agency if strict  
29 compliance with the provision of any statute, order, rule, or  
30 regulation would in any way prevent, hinder, or delay necessary  
31 action in coping with the emergency, unless (i) authority to waive or  
32 suspend a specific statutory or regulatory obligation or limitation  
33 has been expressly granted to another statewide elected official,  
34 (ii) the waiver or suspension would conflict with federal  
35 requirements that are a prescribed condition to the allocation of  
36 federal funds to the state, or (iii) the waiver or suspension would  
37 conflict with the rights, under the First Amendment, of freedom of  
38 speech or of the people to peaceably assemble. The governor shall  
39 give as much notice as practical to legislative leadership and

1 impacted local governments when issuing orders under this subsection  
2 (2)(g).

3 (3) In imposing the restrictions provided for by RCW 43.06.010,  
4 and 43.06.200 through 43.06.270, the governor may impose them for  
5 such times, upon such conditions, with such exceptions and in such  
6 areas of this state he or she from time to time deems necessary.

7 (4) If any order or orders under subsection (1) of this section  
8 remain in effect for more than 60 days, the legislature may  
9 terminate, modify, or extend the order or orders by concurrent  
10 resolution. If the legislature is not in session, two of the four  
11 members of the leadership of the senate and the house of  
12 representatives may request in writing that the governor convene a  
13 special session to terminate, modify, or extend the order or orders.  
14 If, within 15 days of receiving such request, the governor does not  
15 convene a special session, the order or orders terminate by order of  
16 law.

17 (5) No order or orders (~~(concerning waiver or suspension of~~  
18 statutory obligations or limitations)) under subsection (2) of this  
19 section may continue for longer than (~~(thirty))~~ 30 days, unless  
20 extended by the legislature through concurrent resolution. If the  
21 legislature is not in session, the (~~(waiver or suspension of~~  
22 statutory obligations or limitations)) order or orders may be  
23 extended in writing by a majority of the four leaders of the  
24 leadership of the senate and the house of representatives until the  
25 legislature can extend the (~~(waiver or suspension))~~ order or orders  
26 by concurrent resolution. For purposes of this section, "leadership  
27 of the senate and the house of representatives" means the majority  
28 and minority leaders of the senate and the speaker and the minority  
29 leader of the house of representatives.

30 ~~((+5))~~ (6) Any person willfully violating any provision of an  
31 order issued by the governor under this section is guilty of a gross  
32 misdemeanor.

--- END ---