
HOUSE BILL 1557

State of Washington

67th Legislature

2021 Regular Session

By Representatives MacEwen and Chapman

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.

--- END ---