

SB 5909 - H COMM AMD

By Committee on State Government & Tribal Relations

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 43.06.210 and 2013 c 21 s 1 are each amended to
4 read as follows:

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

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

15 (3) The state of emergency shall cease to exist upon ~~((the))~~:

16 (a) The issuance of a proclamation of the governor declaring its
17 termination: PROVIDED, That the governor must terminate said state of
18 emergency proclamation when order has been restored in the area
19 affected; or

20 (b) If the legislature is not in session and it has been more
21 than 90 days since the state of emergency was declared by the
22 governor, termination of the state of emergency in writing by all
23 four members of the leadership of the senate and the house of
24 representatives. For purposes of this section, "leadership of the
25 senate and the house of representatives" means the majority and
26 minority leaders of the senate and the speaker and the minority
27 leader of the house of representatives.

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

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

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

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

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

13 (d) The transporting, possessing or using of gasoline, kerosene,
14 or combustible, flammable, or explosive liquids or materials in a
15 glass or uncapped container of any kind except in connection with the
16 normal operation of motor vehicles, normal home use or legitimate
17 commercial use;

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

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

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

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

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

31 (a) Liability for participation in interlocal agreements;

32 (b) Inspection fees owed to the department of labor and
33 industries;

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

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

37 (e) Application of tax due dates and penalties relating to
38 collection of taxes;

39 (f) Permits for industrial, business, or medical uses of alcohol;
40 and

1 (g) Such other statutory and regulatory obligations or
2 limitations prescribing the procedures for conduct of state business,
3 or the orders, rules, or regulations of any state agency if strict
4 compliance with the provision of any statute, order, rule, or
5 regulation would in any way prevent, hinder, or delay necessary
6 action in coping with the emergency, unless (i) authority to waive or
7 suspend a specific statutory or regulatory obligation or limitation
8 has been expressly granted to another statewide elected official,
9 (ii) the waiver or suspension would conflict with federal
10 requirements that are a prescribed condition to the allocation of
11 federal funds to the state, or (iii) the waiver or suspension would
12 conflict with the rights, under the First Amendment, of freedom of
13 speech or of the people to peaceably assemble. The governor shall
14 give as much notice as practical to legislative leadership and
15 impacted local governments when issuing orders under this subsection
16 (2)(g).

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

21 (4) No order or orders concerning waiver or suspension of
22 statutory obligations or limitations under subsection (2) of this
23 section may continue for longer than thirty days unless extended by
24 the legislature through concurrent resolution. If the legislature is
25 not in session, the waiver or suspension of statutory obligations or
26 limitations may be extended in writing by all four members of the
27 leadership of the senate and the house of representatives until the
28 legislature can extend the waiver or suspension by concurrent
29 resolution.

30 (5) The order or orders under subsection (1) of this section may
31 be terminated in writing by all four members of the leadership of the
32 senate and the house of representatives if the legislature is not in
33 session.

34 (6) For purposes of this section, "leadership of the senate and
35 the house of representatives" means the majority and minority leaders
36 of the senate and the speaker and the minority leader of the house of
37 representatives.

38 ((+5)) (7) Any person willfully violating any provision of an
39 order issued by the governor under this section is guilty of a gross
40 misdemeanor.

1 **Sec. 3.** RCW 43.79.270 and 2021 c 334 s 972 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (3) of this section,
4 whenever any money, from the federal government, or from other
5 sources, which was not anticipated in the budget approved by the
6 legislature has actually been received and is designated to be spent
7 for a specific purpose, the head of any department, agency, board, or
8 commission through which such expenditure shall be made is to submit
9 to the governor a statement which may be in the form of a request for
10 an allotment amendment setting forth the facts constituting the need
11 for such expenditure and the estimated amount to be expended:
12 PROVIDED, That no expenditure shall be made in excess of the actual
13 amount received, and no money shall be expended for any purpose
14 except the specific purpose for which it was received. A copy of any
15 proposal submitted to the governor to expend money from an
16 appropriated fund or account in excess of appropriations provided by
17 law which is based on the receipt of unanticipated revenues shall be
18 submitted to the joint legislative audit and review committee and
19 also to the standing committees on ways and means of the house and
20 senate if the legislature is in session at the same time as it is
21 transmitted to the governor.

22 (2) Except as provided in subsection (3) of this section, and
23 notwithstanding subsection (1) of this section, whenever money from
24 any source that was not anticipated in the transportation budget
25 approved by the legislature has actually been received and is
26 designated to be spent for a specific purpose, the head of a
27 department, agency, board, or commission through which the
28 expenditure must be made shall submit to the governor a statement,
29 which may be in the form of a request for an allotment amendment,
30 setting forth the facts constituting the need for the expenditure and
31 the estimated amount to be expended. However, no expenditure may be
32 made in excess of the actual amount received, and no money may be
33 expended for any purpose except the specific purpose for which it was
34 received. A copy of any proposal submitted to the governor to expend
35 money from an appropriated transportation fund or account in excess
36 of appropriations provided by law that is based on the receipt of
37 unanticipated revenues must be submitted, at a minimum, to the
38 standing committees on transportation of the house and senate at the
39 same time as it is transmitted to the governor.

1 (3) (~~During the 2021-2023 fiscal biennium, whenever~~) Whenever
2 any money in the amount of \$5,000,000 or more, from the federal
3 government, or from other sources, which was not anticipated in the
4 operating, capital, or transportation budget approved by the
5 legislature has been awarded or has actually been received when the
6 legislature is not in session and the use of the money is
7 unrestricted or provides discretion to use the moneys for more than
8 one agency, program, or purpose, the governor must:

9 (a) Submit a copy of the proposed allotment amendment to the
10 joint legislative unanticipated revenue oversight committee;

11 (b) Provide an explanation of the timing, source, and
12 availability of such funds and why the need for the expenditure could
13 not have been anticipated in time for such expenditure to have been
14 approved as part of a budget act for that particular fiscal year; and

15 (c) Provide the joint legislative unanticipated revenue oversight
16 committee 14 calendar days from submittal the opportunity to review
17 and comment on the proposed allotment amendment before approving
18 under RCW 43.79.280.

19 **Sec. 4.** RCW 43.79.285 and 2021 c 334 s 956 are each reenacted
20 and amended to read as follows:

21 (1) There is hereby created a joint select committee to be known
22 as the joint legislative unanticipated revenue oversight committee
23 with the following sixteen members:

24 (a) The majority and minority leaders of the senate;

25 (b) The speaker and the minority leader of the house of
26 representatives;

27 (c) Six additional members of the senate with three members from
28 each of the two largest caucuses of the senate appointed by their
29 respective leaders; and

30 (d) Six additional members of the house of representatives with
31 three members from each of the two largest caucuses of the house of
32 representatives appointed by their respective leaders.

33 (2) The cochairs of the committee are the leaders of the two
34 largest caucuses of the senate in even-numbered years and the leaders
35 of the two largest caucuses of the house of representatives in odd-
36 numbered years.

37 (3) Staff support for the committee is provided by the senate
38 committee services and the house of representatives office of program
39 research.

1 (4) Members of the committee serve without additional
2 compensation, but must be reimbursed for travel expenses in
3 accordance with RCW 44.04.120. The expenses of the committee are paid
4 jointly by the senate and the house of representatives and
5 expenditures are subject to approval by the senate facilities and
6 operations committee and the house of representatives executive rules
7 committee, or their successor committees.

8 (5) The purpose of the committee is to review requests for
9 proposed allotment amendments to spend unanticipated and unbudgeted
10 moneys received by the state from federal and nonstate sources
11 pursuant to RCW 43.79.270(3). The committee is necessary to provide
12 oversight of the legislature's delegation of state fiscal authority
13 to the governor while the legislature is not in session and to
14 prevent infringement on the legislature's constitutional power to
15 appropriate state funds.

16 (6) The committee shall meet as necessary to review requests from
17 the governor pursuant to RCW 43.79.270(3) and to provide comment
18 within 14 calendar days. The committee may conduct its meetings and
19 hold public hearings by conference telephone call, videoconference,
20 or using similar technology equipment so that all persons
21 participating in the meeting can hear each other at the same time.
22 The committee shall adopt rules and procedures for its orderly
23 operation. The activities of the committee are suspended during
24 regular or special legislative sessions.

25 (7) If the committee chooses to conduct a public hearing on a
26 proposed allotment amendment, the committee must provide the office
27 of financial management with five calendar days notice of the public
28 hearing. The office of financial management, or its designee, must
29 appear before the committee to present the proposed allotment
30 amendment and respond to questions. The committee may also require
31 the state agency, department, board, or commission proposing the
32 allotment amendment to appear before the committee, submit additional
33 information, or engage in other activities necessary for the
34 committee to review and comment on proposed allotment amendments.

35 (8) Action of the committee is limited to the review and comment
36 on requests submitted by the governor under RCW 43.79.270(3). Action
37 by the committee requires the majority vote of members of the
38 committee in attendance at the meeting. Action may take the form of a
39 recommendation approving the proposed allotment amendment, rejecting
40 the proposed allotment amendment, or proposing an alternative

1 allotment amendment for governor consideration prior to approval
2 under RCW 43.79.280. The committee's action is not binding on the
3 governor.

4 NEW SECTION. **Sec. 5.** RCW 43.79.285 is recodified as a section
5 in chapter 44.04 RCW."

6 Correct the title.

EFFECT: Makes technical changes by reenacting and recodifying provisions regarding the Joint Legislative Unanticipated Revenue Oversight Committee in current law that duplicate the substantive provisions of the bill, and by removing the duplicative provisions from the bill.

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