

**SB 5909 - S AMD 1147**

By Senator Wilson, L.

**NOT ADOPTED 02/15/2022**

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))~~ any  
16 of the following:

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

21 (b) If the legislature is in session, through passage of a  
22 concurrent resolution terminating the state of emergency; or

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

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

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

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

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

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

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

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

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

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

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

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

33       (a) Liability for participation in interlocal agreements;

34       (b) Inspection fees owed to the department of labor and  
35 industries;

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

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

39       (e) Application of tax due dates and penalties relating to  
40 collection of taxes;

1 (f) Permits for industrial, business, or medical uses of alcohol;  
2 and

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

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

23 (4) No order or orders (~~(concerning waiver or suspension of~~  
24 ~~statutory obligations or limitations)~~) under subsection (1) or (2) of  
25 this section may continue for longer than thirty days unless extended  
26 by the legislature through concurrent resolution. If the legislature  
27 is not in session, the (~~(waiver or suspension of statutory~~  
28 ~~obligations or limitations)~~) order or orders may be extended in  
29 writing by at least three of the four leaders of the leadership of  
30 the senate and the house of representatives until the legislature can  
31 extend the (~~(waiver or suspension)~~) order or orders by concurrent  
32 resolution. For purposes of this section, "leadership of the senate  
33 and the house of representatives" means the majority and minority  
34 leaders of the senate and the speaker and the minority leader of the  
35 house of representatives.

36 (5) Any person willfully violating any provision of an order  
37 issued by the governor under this section is guilty of a gross  
38 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           NEW SECTION.   **Sec. 4.** (1) There is hereby created a joint select  
20 committee to be known as the joint legislative unanticipated revenue  
21 oversight committee with the following 16 members:

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

23           (b) The speaker and the minority leader of the house of  
24 representatives;

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

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

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

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

4 (5) The expenses of the committee are paid jointly by the senate  
5 and the house of representatives and expenditures are subject to  
6 approval by the senate facilities and operations committee and the  
7 house of representatives executive rules committee, or their  
8 successor committees.

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

18 NEW SECTION. **Sec. 6.** (1) The joint legislative unanticipated  
19 revenue oversight committee shall meet as necessary to review  
20 requests from the governor pursuant to RCW 43.79.270(3) and to  
21 provide comment within 14 calendar days.

22 (2) The committee may conduct its meetings and hold public  
23 hearings by conference telephone call, videoconference, or using  
24 similar technology equipment so that all persons participating in the  
25 meeting can hear each other at the same time.

26 (3) The committee shall adopt rules and procedures for its  
27 orderly operation. The activities of the committee are suspended  
28 during regular or special legislative sessions.

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

1 (5) Action of the committee is limited to the review and comment  
2 on requests submitted by the governor under RCW 43.79.270(3). Action  
3 by the committee requires the majority vote of members of the  
4 committee in attendance at the meeting. Action may take the form of a  
5 recommendation approving the proposed allotment amendment, rejecting  
6 the proposed allotment amendment, or proposing an alternative  
7 allotment amendment for governor consideration prior to approval  
8 under RCW 43.79.280. The committee's action is not binding on the  
9 governor.

10 NEW SECTION. **Sec. 7.** Sections 4 through 6 of this act  
11 constitute a new chapter in Title 44 RCW.

12 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of  
14 the state government and its existing public institutions, and takes  
15 effect immediately."

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16 On page 1, line 2 of the title, after "receipts;" strike the  
17 remainder of the title and insert "amending RCW 43.06.210, 43.06.220,  
18 and 43.79.270; adding a new chapter to Title 44 RCW; and declaring an  
19 emergency."

EFFECT: (1) Authorizes the Legislature to terminate a state of  
emergency by passage of a concurrent resolution when the Legislature  
is in session.

(2) Expires an emergency order or orders issued by the Governor  
that prohibit certain activities after thirty days unless extended by  
the Legislature.

(3) Authorizes at least three of the four leaders of the  
leadership of the senate and the house of representatives to extend,  
rather than terminate, in writing an order or orders prohibiting  
certain activities if the Legislature is not in session until the  
Legislature can extend the order or orders by concurrent resolution.

(4) Authorizes at least three of the four leaders of the  
leadership of the senate and the house of representatives to extend a  
waiver or suspension of statutory obligations or limitations issued  
by the Governor.

(5) Adds an emergency clause.

--- **END** ---