

SENATE BILL REPORT

SB 5114

As of January 18, 2021

Title: An act relating to safely reopening Washington.

Brief Description: Concerning safely reopening Washington.

Sponsors: Senators Braun, Mullet, Brown, Dozier, Fortunato, Gildon, Holy, King, Muzzall, Rivers, Schoesler, Sheldon, Short, Wagoner, Wilson, L. and Wilson, J..

Brief History:

Committee Activity: State Government & Elections: 1/20/21.

Brief Summary of Bill

- Allows businesses, facilities, institutions, and all other places or organizations to immediately and safely reopen or resume under Phase 2 of the Healthy Washington Roadmap to Recovery plan.
- States the intent of the Legislature to regularly review the best available public health data to determine whether additional actions should be taken until January 10, 2022.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Staff: Melissa Van Gorkom (786-7491)

Background: State of Emergency. A state of emergency is proclaimed by the Governor 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.

Emergency Proclamation. The Governor may proclaim a state of emergency in the area affected. The state of emergency is effective upon the Governor's signature and remains in effect until the Governor declares its termination. The Governor must terminate a state of

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

emergency when order has been restored in the area effected.

On February 29, 2020, the Governor proclaimed that a state of emergency exists in all counties in the state of Washington due to the outbreak of COVID-19.

Powers of the Governor. An emergency proclamation enables the Governor to prohibit specific activities, such as public gatherings, transfer of combustible materials, and the use of public streets at any time during the state of emergency. In a state of emergency, the Governor may also prohibit activities as the Governor reasonably believes is necessary to help preserve and maintain life, health, property, or the public peace.

The Governor has 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:

- authority is expressly granted to another statewide elected official; or
- the waiver or exemption would conflict with federal requirements that are a prescribed condition to the allocations of federal funds to the state, or first amendment rights of freedom of speech and of the people to peaceably assemble.

A waiver or suspension of statutory obligations or limitations issued by the Governor is limited to 30 days unless the Legislature extends it by concurrent resolution, or in writing by the leadership of the Senate and the House of Representatives if the Legislature is not in session. Leadership of the Senate and the House of Representatives means the majority and minority leaders of the Senate and the House of Representatives.

On January 5, 2021, the Governor announced the Healthy Washington-Roadmap to Recovery plan, later formalized under proclamation 20-25.12 on January 11, 2021, outlining a regional approach to opening activities based on four metrics:

- decreasing trend in a 14-day rate of new COVID-19 cases per 100,000 population;
- decreasing trend in a 14-day rate of new COVID-19 hospital admission rates per 100,000 population;
- average 7-day percent occupancy of ICU staffed beds less than 90 percent; and
- a 7-day percent positivity of COVID-19 tests less than 10 percent.

Under the proclamation all regions begin in Phase 1 as of January 11, 2021. Regions must meet all four metrics to move to Phase 2 under the Healthy Washington-Roadmap to Recovery plan.

Summary of Bill: The Legislature determines that the businesses, facilities, institutions, and all other places or organizations whose activities would be limited or restricted under the Healthy Washington-Roadmap to Recovery plan must be allowed to immediately and safely reopen or resume under Phase 2 of the Healthy Washington Roadmap to Recovery plan, as those provisions existed on the effective date of this section.

The Legislature intends to regularly review the best available public health data to determine whether additional actions should be taken until January 10, 2022. If the Legislature determines public health is deteriorating or that other considerations demand the approach to reopening must be changed, the Legislature intends to take additional action including, but not limited to, reverting to different phases of restrictions. If the Legislature determines public health is improving, the Legislature intends to take additional action to remove any remaining restrictions.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.