

Effect:

Removes procedures for legislative extension of executive orders and adds procedures for legislative termination of executive orders.

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) If the legislature is in session, through passage of a
4 concurrent resolution terminating the state of emergency; or

5 (c) If the legislature is not in session and it has been more
6 than 90 days since the state of emergency was declared by the
7 governor, termination of the state of emergency in writing by all
8 four members of the leadership of the senate and house of
9 representatives. For the purposes of this section, "leadership of the
10 senate and the house of representatives" means the majority and
11 minority leaders of the senate and the speaker and minority leader of
12 the house of representatives.

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

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

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

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

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

27 (d) The transporting, possessing or using of gasoline, kerosene,
28 or combustible, flammable, or explosive liquids or materials in a
29 glass or uncapped container of any kind except in connection with the
30 normal operation of motor vehicles, normal home use or legitimate
31 commercial use;

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

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

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

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

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

8 (a) Liability for participation in interlocal agreements;

9 (b) Inspection fees owed to the department of labor and
10 industries;

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

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

14 (e) Application of tax due dates and penalties relating to
15 collection of taxes;

16 (f) Permits for industrial, business, or medical uses of alcohol;
17 and

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

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

38 ~~(4) ((No order or orders concerning waiver or suspension of~~
39 ~~statutory obligations or limitations under subsection (2) of this~~
40 ~~section may continue for longer than thirty days unless extended by~~

1 ~~the legislature through concurrent resolution. If the legislature is~~
2 ~~not in session, the waiver or suspension of statutory obligations or~~
3 ~~limitations may be extended in writing by the leadership of the~~
4 ~~senate and the house of representatives until the legislature can~~
5 ~~extend the waiver or suspension by concurrent resolution.)~~) If any
6 order or orders under subsection (1) or (2) of this section remain in
7 effect for more than 30 days, the legislature may terminate the order
8 or orders by concurrent resolution. If the legislature is not in
9 session, the order or orders may be terminated in writing by all four
10 leaders of the leadership of the senate and the house of
11 representatives. For purposes of this section, "leadership of the
12 senate and the house of representatives" means the majority and
13 minority leaders of the senate and the speaker and the minority
14 leader of the house of representatives.

15 (5) Any person willfully violating any provision of an order
16 issued by the governor under this section is guilty of a gross
17 misdemeanor.

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