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HOUSE BILL 1020

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State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert, Walsh, Boehnke, Eslick, Caldier, Young, Graham, Kirby, Barkis, and Schmick

Prefiled 12/10/20. Read first time 01/11/21. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to the emergency powers of the governor; amending  
2 RCW 43.06.220; prescribing penalties; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

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

18 (d) The transporting, possessing or using of gasoline, kerosene,  
19 or combustible, flammable, or explosive liquids or materials in a  
20 glass or uncapped container of any kind except in connection with the

1 normal operation of motor vehicles, normal home use or legitimate  
2 commercial use;

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

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

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

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

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

16 (a) Liability for participation in interlocal agreements;

17 (b) Inspection fees owed to the department of labor and  
18 industries;

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

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

22 (e) Application of tax due dates and penalties relating to  
23 collection of taxes;

24 (f) Permits for industrial, business, or medical uses of alcohol;  
25 and

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

1 impacted local governments when issuing orders under this subsection  
2 (2)(g).

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

8 (4) No order or orders (~~concerning waiver or suspension of~~  
9 ~~statutory obligations or limitations~~) under subsection (1), (2), or  
10 (3) of this section may continue for longer than (~~thirty~~) 30 days  
11 unless extended by the legislature through concurrent resolution. If  
12 the legislature is not in session, the (~~waiver or suspension of~~  
13 ~~statutory obligations or limitations~~) order or orders under this  
14 section may be extended in writing by unanimous agreement of the  
15 leadership of the senate and the house of representatives until the  
16 legislature can extend the (~~waiver or suspension~~) order or orders  
17 by concurrent resolution. For purposes of this section, "leadership  
18 of the senate and the house of representatives" means the majority  
19 and minority leaders of the senate and the speaker and the minority  
20 leader of the house of representatives.

21 (5) Any person willfully violating any provision of an order  
22 issued by the governor under this section is guilty of a (~~gross~~)  
23 misdemeanor.

24 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of  
26 the state government and its existing public institutions, and takes  
27 effect immediately.

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