

**From:** Holly Cocci  
**Sent:** Wednesday, February 16, 2022 5:40 PM  
**To:** City Council  
**CC:** Briahna Murray  
**Subject:** Blaine Legislative Report - February 16, 2022  
**Attachments:** City of Blaine Legislative Report - Feb 16, 2022.docx

Good Afternoon -

Please see the attached legislative report. I will highlight that the Senate released their capital budget proposal this afternoon which includes Blaine's funding request for the East Blaine Water Pump Station Project! The House has not yet released their version of the budget and of course, negotiations will occur prior to it being finalized. However, this is great news and increases the likelihood that the project will be included as the Senate and House begin to reconcile the differences between their budget proposals. If you have any questions, please let me know.

Thanks,

Holly

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**From:** Holly Cocci  
**Sent:** Friday, February 11, 2022 1:24 PM  
**To:** CityCouncil@cityofblaine.com  
**Cc:** Briahna Murray <BMurray@gth-gov.com>  
**Subject:** Legislative Update - Feb. 11, 2022

All –

This is a quick note to let you know I will not be sending a report over the weekend because the House and Senate will be working long hours voting on bills in advance of Tuesday's House of Origin cutoff. I plan to send a report on Wednesday with an update of where bills stand and what we are doing to advance Blaine's priorities. If you have any questions in the meantime, please do not hesitate to reach out.

Thank you!

Holly

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## City of Blaine Legislative Report

The House and the Senate spent long hours on the floor voting on bills prior to yesterday's House of Origin cutoff. The House worked through the night on Monday and did not adjourn until early Tuesday morning. Any House Bills that did not pass the House and Senate Bills that did not pass the Senate before yesterday's cutoff are dead and no longer eligible to move forward this year. The exception is bills that are considered Necessary to Implement the Budget or "NTIB". NTIB bills are exempt from deadlines and will advance when budget proposals are released.

The next deadline requires bills to be voted out of the opposite chamber policy committee by February 24.

Session Cutoff Calendar	
February 3, 2022	Policy Committee Deadline
February 7, 2022	Fiscal Committee Deadline
February 15, 2022	Chamber of Origin Deadline
<b>February 24, 2022</b>	<b>Opposite Chamber Policy Committee Deadline</b>
February 28, 2022	Opposite Chamber Fiscal Committee Deadline
March 4, 2022	Opposite Chamber Deadline
March 10, 2022	Session adjourns - Sine Die

During short sessions (even years), the Legislature typically adopts supplemental budgets to make adjustments and additions to the previous two-year plan. Four times a year, the Washington State Economic and Revenue Forecast Council adopts a bipartisan revenue forecast that is then used to build and adjust the state operating budget.

Today, the Washington State Economic and Revenue Forecast Council released updated forecasts, once again bringing budget writers good news - the state is expected to collect \$2.774 billion more in revenue. Combined with the prior increases experienced since lawmakers adopted the 2021-23 budget, revenues have now exceeded expectations by \$10.5 billion. Additional details can be found [here](#).

### Blaine's Legislative Priorities

*The city is meeting with the 42<sup>nd</sup> legislative delegation this week to touch base on the city's legislative priorities.*

#### Transportation Fund Priorities

Two of the city's priorities heavily rely on the progress of further transportation investments. The following summary update applies to the city's efforts on authorizing an additional cent fuel tax for border communities and funding for Marine Drive Reconstruction:

Just hours before the first chamber of origin cutoff, the Senate had a lengthy debate on the floor regarding the [Move Ahead Washington revenue proposal](#), which passed on a party line vote. The overall package consists of several bills, in which the Senate approved the “revenue generating” bill. The other bills that focus on spending provisions are likely to advance along with the Supplemental Transportation Budget, anticipated to be released in the next 10 days. Over 18 floor amendments were introduced, with only 6 being adopted. As a result, the following changes were made:

- Establishes a Reducing Rural Roadway Departures program through WSDOT in an effort to reduce fatalities that occur from lane departures
- Creates a new Railroad Crossing Grant program managed by FMSIB
- \$500 million identified in the package for Preservation and Maintenance must be prioritized for projects that enhance stormwater runoff treatment, green infrastructure, salmon recovery and reduce health disparities and toxic pollution
- Exempts city and county prosecuting attorneys from driver’s abstract fees when utilizing documents for criminal proceedings
- Removes the councilmanic authority for local jurisdictions to impose a 2% utility tax on telephone utilities

As a reminder, the package invests over \$16.8 billion in the state’s transportation system over the next 16 years. Since the package does not rely on bonds, a simple majority vote was required, eliminating the need for any republican support. Republicans shared their frustration with the lack of bipartisanship in the development of the package and highlighted their opposition to the various fees and taxes and the removal of language associating the passage of a transportation revenue package with the implementation of the low carbon fuel standards program passed last session. An amendment to remove the inflation piece connected to the border community gas tax increase authorized within the proposal was considered, did not pass. Therefore, the local options tool remains intact as the bill moves to the House. As a reminder, the Marine Drive project is not included in the current package.

The House Transportation Committee is scheduled to hold a public hearing on the Move Ahead WA package on Thursday at 3:30pm.

### **Sales Tax Transportation Benefit District**

[Senate Bill 5510](#), sponsored by Sen. Curtis King (R-Yakima), was voted out of the Senate on February 8 by a vote of 45-4. Under current law, voters may only approve two, 10-year authorizations of a sales tax imposed by a transportation benefit district, limiting the timeframe that the sales tax can be levied to a maximum of 20 years. This bill would allow voters to approve additional extensions in 10-year increments. The bill has now been referred to the House Transportation Committee for further consideration. While the Move Ahead WA package includes councilmanic authority for an additional .1% TBD sales tax, the adoption of SB 5510 is a separate effort and is needed to address current-law timeline restrictions for sales tax TBD authority.

### **East Blaine Water Pump Facility**

The city requests \$500,000 within the capital budget to help construct a water booster pump station and related infrastructure to serve the current community and prepare for the residential growth that is occurring in East Blaine. The Senate Capital Budget proposal was released this afternoon and includes

the full funding for the water pump project! It is expected that the House will release their version of the budget soon. Once both proposals are released, the legislature will focus their efforts on reconciling the differences between the two proposals and finalizing the budget prior to the end of session. To view the entirety of the Senate's capital budget proposal, click [here](#).

## Policy Updates

As hundreds of bills are considered throughout session, GTHGA will share proposals that may impact the city and work with city staff to identify whether there is a desire to weigh in during the legislative process, and/or continue to monitor the proposal as it develops. The summaries below provide further detail on policies that have been highlighted over the past few weeks, and whether they will remain under consideration.

### **Clarifying Police Reform Proposals**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered "alive" for the 2022 Legislative Session:*

- **Use of bean bags:** [House Bill 1719](#), sponsored by Rep. Dan Bronoske (D - Tacoma), clarifies that bean bags, rubber bullets, and other non-penetrative munitions can be used as a de-escalation tactic. Under current law, .50 caliber shotguns used to deploy less than lethal rounds are on the list of 'military equipment' that is not allowed for use by Peace Officers under HB 1310, passed in 2021. This bill was written in collaboration with HB 1310 sponsors and law enforcement in response to oversight when drafting police reform legislation. There is extensive support by Law Enforcement agencies as well as community members and proponents of HB 1310. On January 28, the bill passed the House by a vote of 95-0. HB 1719 had a public hearing in the Senate Law and Justice Committee on February 8 and is scheduled to be voted out of committee on February 17.
- **Community Caretaking Function:** [House Bill 1735](#), sponsored by Rep. Jesse Johnson (D-Federal Way), would clarify that deadly force may be used in the face of an immediate threat of serious injury against the officer or another individual and that physical force would be allowed under limited circumstances to ensure the safety of officers when taking a person into custody for civil or forensic commitment. It eliminates the broad provision regarding enforcement of a court order and more narrowly authorizes physical force in specific circumstances. It also modifies the provision allowing a peace officer to use physical force to the extent necessary to take a minor into protective custody by removing references to specific statutes. Instead, an officer may do so when "authorized or directed by statute." The bill has maintained extensive support in both the House and Senate from Law Enforcement agencies, cities and counties, non-profits, and community members. On January 28, the bill passed out of the House by a vote of 90-5. On February 8 the bill had a public hearing in the Senate Law and Justice Committee and is scheduled to be voted out of committee on February 17.
- **Public safety telecommunicators:** [Senate Bill 5555](#), sponsored by Sen Van De Wege (D- Sequim), would establish a statewide certification and training program for 911 operators. The bill passed the Senate unanimously and had a hearing in the House Community and Economic Development Committee today and is scheduled for executive session on Friday, February 18.
- **Use of Force/Vehicular Pursuits:** [Senate Bill 5919](#), sponsored by Sen. Kevin Van De Wege (D- Sequim), is an alternative proposal to HB 2037 that also addresses use of force. Unexpectedly, this bill advanced out of the Senate (31-18) this week without changes made in the Senate Law and Justice Committee. As passed out of the Senate, the bill establishes definitions for use of force, amends the standard of reasonable care, and addresses vehicular pursuits. The amended bill restores the standard of "reasonable suspicion," rather than "probable cause," for an officer to engage in a vehicular pursuit and expands the circumstances under which vehicular pursuits are allowed. Notably, pursuit is

authorized in cases where the individual “poses a public safety risk” rather than is an “imminent threat to the safety of others,” the current standard. This provision is extremely controversial among police reform advocates and many democrat legislators. If the bill advances, this provision is likely to be amended in the House.

- **Defining Use of Force:** [House Bill 2037](#), sponsored by Rep. Roger Goodman (D- Seattle), moved out of the House 87-11 this week. The definition of “necessary” was amended for clarity. The bill provides a statewide definition of use of force and deadly force. “Physical force” means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. The bill states that physical force can be used to protect against a criminal offense when there is probable cause that that the person has committed, is committing, or is about to commit an offense, and to prevent a person from fleeing or stop a person who is actively feeling a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained. This bill has been identified by proponents as the preferred vehicle for a definition of “use of force.”
- **Co-Responder Training Program:** [Senate Bill 5644](#) establishes a co-responder learning academy in 2022 for individuals working in co-response programs to convene for training, networking, and sharing of best practices, including track offerings for different-sized jurisdictions and police-, fire-, and emergency medical services-based co-response programs. Four to six learning sites, where individuals interested in co-response can spend a day learning with an experienced co-response team, would be established across the state. The Department of Health is also directed to develop a certification specific to behavioral health professions working in the co-response field. Sen Wagoner sponsored [a substitute bill](#) that would direct the University of Washington to take over the responsibilities previously given to WASPC in this bill, including collaborating with stakeholders and developing an assessment of capacities and shortfalls. The substitute bill would also delay deadlines to 2023 and adds peer counselors to the list of participating entities. The bill was approved by the Senate unanimously.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “**dead**” for the 2022 Legislative Session:*

- **Body Camera Grant Program:** [House Bill 1845](#), sponsored by Rep. Mosbrucker (R-Goldendale), would have established a body camera grant program within the Washington Association of Sheriffs and Police Chiefs to create and manage a body camera grant program that would fund the purchase and maintenance of body cameras for Law Enforcement Officers. This grant money could also be used for the cost of digital storage of footage, the cost of public records requests, and any additional staff required to run the program. This bill has received strong support from AWC, WASPC, and police and sheriffs’ departments across the state. While the bill did not pass prior to the cutoff deadline, its contents may end up as a budget proviso.
- **Vehicular Pursuits:** [House Bill 1788](#), sponsored by Rep. Eric Robertson (R), as amended, would have allowed officers to engage in vehicular pursuit when there is reasonable suspicion that the person in the vehicle has committed or will commit a violent offense, is driving under the influence, the person poses an imminent threat or the safety of others, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.

### **Local Control/Land Use**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “alive” for the 2022 Legislative Session:*

- **Net Ecological Gain:** [House Bill 1117](#), sponsored by Rep. Debra Lekanoff (D-La Conner), would integrate net ecological gain and salmon recovery into comprehensive plans. The bill was introduced during the 2021 session and has carried over for consideration during the 2022 session. This session, the House approved the bill 57-40. The bill had a hearing in the Senate Housing and Local Government Committee today.
- **Planning for Climate Change within the GMA:** [House Bill 1099](#), sponsored by Rep. Davina Duerr (D-Bothell), adds climate change mitigation as a goal of the Growth Management Act and establishes a climate change and resiliency element within the GMA. Most provisions only apply to the largest and fastest growing cities within the following counties: King, Pierce, Snohomish, Clark, Benton, Spokane, Thurston, Whatcom, and Kitsap Counties. Affected jurisdictions must include a greenhouse gas (GHG) emissions reduction sub-element within the climate change and resiliency element established in the bill. The sub-element requires impacted jurisdictions to plan for specific actions that will reduce GHG emissions and vehicle miles traveled (VMT) within the jurisdiction. All jurisdictions fully planning under the GMA are also required to plan for climate resiliency; however, the bill was amended to allow existing and future FEMA Hazard Mitigation Plans to fulfill this requirement, which many local governments already have in place. Notably, the bill does not include a funding contingency clause which is of concern to local governments. Funding is needed to ensure locals are provided resources to complete the new planning requirements. The bill was heard in the Senate Housing and Local Government Committee and is scheduled to move out of Committee on Thursday, February 17.
- **GMA Planning – Eight to Ten Years:** [House Bill 1241](#), sponsored by Rep. Davina Duerr (D-Bothell), pushes out the revision cycle for comprehensive plans updates from 8 to 10 years. This is a carry-over bill from the 2021 legislative session and has been heavily negotiated by AWC and WSAC, both of which support the bill. In addition to changing the revision cycle, the bill subjects the largest and fastest growing counties and cities within these counties to a 5-year check-in on key comprehensive plan elements, including housing, greenhouse gas, and vehicle miles traveled reductions (established in House Bill 1099). The bill provides a 6-month extension on the deadline for comprehensive plan updates for the first cycle of counties up for revision: King, Kitsap, Pierce, and Snohomish Counties. On February 13, the bill was approved by the House by a vote of 55-43.
- **Accessory Dwelling Units - Mandates:** [House Bill 1660](#), sponsored by Rep. Sharon Shewmake (D-Bellingham), adds ADU provisions into the housing element of the comprehensive plan and prohibits regulations on the size of ADUs relative to the primary dwelling, with specific exceptions. It authorizes no less than one attached and one detached ADU on lots of 4,500 SF or more in single-family zones. It limits impact fees to no greater than 50% of what would be imposed on a similar-sized principal unit, eliminates off-street parking requirements within ¼ mile of a major transit center, eliminates owner-occupancy requirements unless the ADU is used as a short-term rental. The bill was further amended on the House floor, banning HOAs and restrictive covenants from prohibiting ADUs prospectively, as opposed to retroactively. On February 14, the House approved the bill by a vote of 50-48.
- **SEPA Exemption for Housing:** [Senate Bill 5818](#), sponsored by Sen. Jesse Salomon (D-Shoreline), would limit SEPA and other appeals for implementation of Housing Action Plans and other housing-related actions to increase residential building capacity. The Senate Housing and Local Government Committee amended the bill, largely with technical amendments. The bill is scheduled for a hearing in the House Environment and Energy Committee on Thursday, February 17.
- **UGA Boundaries:** [Senate Bill 5593](#), sponsored by Sen. Shelly Short (R-Addy), allows counties to make net-zero change land swaps within their UGA – i.e., adjust existing boundaries of the UGA to account for unanticipated growth so long as total UGA surface area remains the same. The bill was amended to address concerns raised at the hearing. Areas added under this bill may not be of long-term commercial significance, must be contiguous, and do not contain more than 15 percent critical areas. Counties must identify services and facilities that will serve the UGA within their transportation element and capital

facility plan. On February 15, the Senate approved the bill by a vote of 49-0. It will now proceed to the House for further consideration.

*The following bills were not brought up for a vote of the full House or Senate, and are considered “**dead**” for the 2022 Legislative Session:*

- **Accessory Dwelling Units - Incentives:** [House Bill 1711](#), sponsored by Rep. Gerry Pollet (D-Seattle), allows cities and counties to offer incentives for the development of accessory dwelling units, including the waiver of fees, deferral of taxes, or waiver of regulations, as long as the accessory dwelling units are subject to binding commitments that they will not regularly be offered for short term rental and there is a program to audit compliance with the commitments. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **Expanding Access to Water, Storm Drains, and Sanitary Sewer Systems:** [House Bill 1627](#), sponsored by Rep. Keith Goehner (R-Wenatchee), would allow for expanded access to water, storm drains, and sanitary sewer systems outside of city and urban growth areas. The bill was not brought up for a vote prior to cutoff, and is considered dead for 2022.
- **REET Incentive for Density:** [House Bill 1157](#), sponsored by Rep. Jessica Bateman (D-Olympia), would have offered jurisdictions a portion of the state real estate excise tax for modifying local codes to increase density. Cities would have the authority to designate one or more REET density incentive zones within certain parameters. Dwelling units that are then constructed within the zone would be eligible for a share of the state REET. Last year, HB 1157 passed the House by a vote of 93-4, but ultimately failed to pass. This bill could be deemed necessary to implement the budget, however currently is considered dead for 2022.

### **Additional Bills**

*The following bills have passed by a vote of the entire House of Representatives or Senate and are considered “**alive**” for the 2022 Legislative Session:*

- **0.09 Economic Development Funding:** [House Bill 1333](#), sponsored by Rep. Steve Tharinger (D-Port Angeles), renews the .09 rural county sales tax credit program for economic development until 2054. On January 14, the bill was voted out of the House by a vote of 93-3 and heard in the Senate Housing and Local Government committee where it is scheduled for a vote on February 17.
- **Voting Rights Act:** [Senate Bill 5597](#) would automatically place jurisdictions with more than 10,000 in population and greater than a 10% voting age minority population in preclearance. Preclearance requires the jurisdiction to obtain either a certification from the Attorney General or a judgment in Thurston County superior court that certain actions will not deny or abridge the right to vote on account of protected class status or result in retrogression of the electoral position of protected classes. Once in preclearance the bill provides no way to get out. Actions for which covered jurisdictions must seek certification or judgement include:
  - adding at-large seats to the governing body;
  - changing the jurisdiction's boundaries in a manner that reduces the proportion of a single protected class by at least 5 percent;
  - redistricting;
  - changes restricting access to interpreter services or reductions in availability of non English voting materials; and
  - changes to the plan of government.

On February 10, the bill was voted out of the Senate by a vote of 29-20. It will now proceed to the House for further consideration.

- **Government Elections and City Manager Appointment:** [House Bill 1832](#), sponsored by Rep. Larry Springer (D- Kirkland), would allow a city to run a ballot measure to change to a council-manager form of government and separately elect a mayor at the same time. Additionally, the bill would also modify the law on residency requirements for city managers, allowing them to reside outside of the city they

manage. A city council could still require their city manager to live within the city and could do so by imposing that requirement. On February 9, the bill passed out of the House by a vote of 91-2. It will now proceed to the Senate for further consideration.

- **Redistricting Procedures:** [Senate Bill 5560](#), sponsored by Sen. Jamie Pedersen (D-Seattle), aims to provide further transparency and restore public trust in the redistricting process by requiring future redistricting commissions to make plans available publicly for at least 72 hours prior to voting, and any proposed amendments to the map must be discussed and voted on publicly. The commission must also submit their plan to the Legislature with maps, clear definitions, and census data. SB 5660 would not apply to this year's redistricting plan but would go in effect after the 2030 census. On February 2, the Senate approved the bill by a vote of 47-0. SB 5560 has been scheduled for a public hearing on February 17 in the House State Government and Tribal Relations Committee.
- **Open Public Meeting Act - Accessibility:** [House Bill 1329](#), sponsored by Rep. Emily Wicks (D-Everett), originally introduced in the 2021 Legislative Session, would require an opportunity for the public to either verbally or in writing provide comments at every regular meeting where final action is taken. It also requires that any individual that requests to provide oral comment remotely must be accommodated if doing so is feasible. On January 12, the bill passed the House by a vote of 79-16 and is scheduled for a hearing in the Senate State Government and Elections Committee on February 18.
- **Property tax exemption:** [Senate Bill 5505](#), sponsored by Sen Rolfes (D-Bainbridge Island), would reinstate a property tax exemption for non-profits, including churches, where the property is used for a farmers market. On February 8, the bill passed the Senate by a vote of 49-0, and has been referred to the House Finance Committee for further consideration.
- **Affordable Housing REET Exemption** [House Bill 1643](#), sponsored by Rep. Hackney (D-Seattle), would provide a state REET exemption for the sale or transfer of ownership of property to non-profit entities, housing authorities, or public corporations that intend to use the property for low-income rental housing or home ownership. Notably, this policy passed the legislature in 2020 with bipartisan support but was vetoed due to COVID related budget concerns. The House approved the bill 93-4, and it has been referred to the Senate for further consideration.
- **Expanding MFTE to include converting existing multifamily units:** [Senate Bill 5832](#), sponsored by Sen. Mona Das (D-Kent), would expand the multifamily property tax exemption (MFTE) to include the conversion of existing market-rate units to affordable housing. Under the provisions of the bill, the project applicant must rent or sell at least 30 percent of the units as affordable, or the applicant must rent or sell at least 50 percent more units than what is required by the local government under the program to qualify for the exemption. The Senate approved the bill 44-5, with an amendment that limits this MFTE to jurisdictions located in counties with a population over 300,000.
- **Homeless Encampments in Right-of-Way:** [Senate Bill 5662](#), sponsored by Sen. Patty Kuderer (D), is legislation requested by the Governor that, as amended, would create an Office of Intergovernmental Coordination of public-right-of-way homeless encampments within the Department of Social and Health Services. The purpose of the Office would be to launch a statewide effort to reduce the number of people encamped on WSDOT right-of-way. The Senate Ways & Means Committee adopted an amendment that sunsets the Office in 2027 and requires an annual report to be developed by the Joint Legislative Audit and Review Committee, beginning December 1, 2023. On February 14, the bill was amended and voted out of the Senate by a vote of 36-12. The amendments, added additional reporting requirements, added legislative intent to prioritize increasing statewide shelter and housing capacity, and directs regional coordination teams to prioritize engagement with encampments that present the greatest health and safety risk to the encamped population, public, workers, or rights-of way. The bill will now proceed to the House for further consideration.

The following bills were not brought up for a vote of the full House or Senate, and are considered “**dead**” for the 2022 Legislative Session:

- **Parks Funding:** [House Bill 1025](#), sponsored by Rep. Emily Wicks (D-Everett), would have authorized a city or county to adopt a voter approved one tenth of one percent sales tax to fund parks and recreation. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Blake/Streamline Process:** [Senate Bill 5663](#), sponsored by Sen. Manka Dhingra (D), would have provided a streamlined response to the 2021 *Blake* decision which is a Supreme Court decision that determined the statute that previously penalized the possession of a controlled substance was unconstitutional. This has resulted in thousands of convictions needing to be removed from criminal record and millions in legal financial obligations to be repaid. Under the original bill, cities would have had three months from the bill being signed into law to determine how many cases with qualifying convictions exist within their municipal court jurisdiction. The bill was amended in the Senate Law and Justice Committee to expand the time that cities have to report from 3 months to 6 months. The bill was not brought up for a vote prior to cutoff and is considered dead for 2022.
- **Open Public Meeting Act – Emergency Provisions:** [House Bill 1056](#), sponsored by Rep. Gerry Pollet (D-Seattle), originally introduced in the 2021 Legislative Session, would have allowed local governments to hold virtual meetings during any emergency where it is reasonably unsafe to meet in-person (e.g. current pandemic, or a snowstorm), without having to wait for the Governor to make a proclamation and/or for the proclamation to be continuously extended by the Legislature. The bill does not allow for an in-person meeting option when the Governor has ordered otherwise; only the reverse – a virtual meeting when the Governor has NOT issued a proclamation specifically authorizing a virtual format. This bill was recently revived, and then not brought up for a vote prior to cutoff and is considered dead for 2022.