

SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SIXTH DAY

House Chamber, Olympia, Sunday, March 7, 2021

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Emily Wicks, 38th Legislative District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

SSB 5004 by Senate Committee on Ways & Means (originally sponsored by Keiser, Warnick, Conway, Das, King, Kuderer, Saldaña, Wilson and C.)

AN ACT Relating to providing a tax exemption for medical marijuana patients; amending RCW 69.50.535; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

SB 5015 by Senators Hunt, Billig, Das, Dhingra, Hasegawa, Keiser, Kuderer, Nguyen, Wilson and C.

AN ACT Relating to fraudulent portrayal of ballot drop boxes; and amending RCW 29A.84.610.

Referred to Committee on State Government & Tribal Relations.

SB 5043 by Senators Salomon, Rolfes, Conway, Das, Hasegawa, Hunt, Kuderer, Lovelett, Saldaña, Wellman, Wilson and C.

AN ACT Relating to the provision of housing for school district employees; amending RCW 28A.335.240, 28A.335.250, 28A.335.130, and 82.29A.130; creating a new section; repealing RCW 28A.335.270; and providing an expiration date.

Referred to Committee on Capital Budget.

SB 5058 by Senators Rolfes and Van De Wege

AN ACT Relating to making technical changes to certain natural resources-related accounts; amending RCW 77.36.170; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

E2SSB 5188 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Nguyen, Conway, Darneille, Das, Dhingra, Hasegawa, Hunt, Lias, Lovelett, Stanford, Van De Wege, Wellman, Wilson and C.)

AN ACT Relating to the creation of the Washington state public financial cooperative; amending RCW 39.59.040, 42.56.270, 42.56.400, 43.10.067, and 43.84.080; reenacting and amending RCW 43.56.400; adding a new section to chapter 43.190 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

2SSB 5195 by Senate Committee on Ways & Means (originally sponsored by Lias, Muzzall, Das, Dhingra, Nguyen, Wilson and C.)

AN ACT Relating to opioid overdose reversal medication; amending RCW 70.41.480; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Appropriations.

ESSB 5263 by Senate Committee on Law & Justice (originally sponsored by Frockt, Pedersen, Das, Hasegawa, Hunt, Kuderer, Lias, Saldaña, Wellman, Wilson and C.)

AN ACT Relating to defenses in personal injury and wrongful death actions where the person injured or killed was committing a felony; amending RCW 4.24.420; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5268 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Braun and Nguyen)

AN ACT Relating to transforming services for individuals with intellectual and developmental disabilities by increasing the capabilities of community residential settings and redesigning the long-term nature of intermediate care facilities; amending RCW 43.88C.010; adding a new section to chapter 71A.18 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Appropriations.

2SSB 5293 by Senate Committee on Ways & Means (originally sponsored by Nobles, Darneille, Das, Dhingra, Hasegawa, Keiser, Lovelett, Nguyen, Rivers, Salomon, Van De Wege, Wilson and C.)

AN ACT Relating to mental health sentencing alternatives; amending RCW 9.94A.501, 9.94A.505, 9.94A.633, and 9.94A.6332; reenacting and amending RCW 9.94A.701; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety.

ESSB 5295 by Senate Committee on Environment, Energy & Technology (originally sponsored by Carlyle and Short)

AN ACT Relating to transforming the regulation of gas and electrical companies toward multiyear rate plans and performance-based rate making; amending RCW 80.28.005 and 80.28.068; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

E2SSB 5304 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Darneille, Das, Frockt, Hasegawa, Holy, Lovelett, Nguyen, Rivers and Wellman)

AN ACT Relating to providing reentry services to persons releasing from state and local institutions; amending RCW 74.09.670, 74.09.555, 9.94.049, 72.09.370, 71.24.470, 71.24.480, and 72.09.270; adding a new section to chapter 71.24 RCW; and creating new sections.

Referred to Committee on Appropriations.

ESSB 5357 by Senate Committee on Ways & Means (originally sponsored by Honeyford, King, Wagoner, Wellman, Wilson and L.)

AN ACT Relating to establishing the capital broadband investment acceleration program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Capital Budget.

SSB 5361 by Senate Committee on Law & Justice (originally sponsored by McCune, Warnick, Wilson and J.)

AN ACT Relating to the resentencing of persons convicted of drug offenses; amending RCW 9.94A.519; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety.

2SSB 5368 by Senate Committee on Ways & Means (originally sponsored by Short, Fortunato, Wilson and L.)

AN ACT Relating to encouraging rural economic development; amending RCW 36.70A.330; adding a new section to chapter 35A.14 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Appropriations.

ESSB 5405 by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Conway, Lias, Nguyen, Saldaña, Wilson and C.)

AN ACT Relating to racial equity analysis for the joint legislative audit and review committee work; amending RCW 44.28.005; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

The House resumed consideration of SUBSTITUTE HOUSE BILL NO. 1236 on second reading.

Representative Peterson moved the adoption of amendment (385):

On page 7, beginning on line 20, strike all of subsection (b) and insert the following:

"(b) Except where the premises are rented for an indefinite time on a month-to-month or periodic basis during the first year of occupancy, a landlord may terminate the tenancy without cause at the end of an initial lease term between three to 12 months upon at least 60 days' prior written notice, served in a manner consistent with RCW 59.12.040. If a landlord does not give at least 60 days' notice as provided in this subsection, the tenancy shall be construed to be a month-to-month tenancy until further agreement of the landlord and tenant, which can only be terminated for the reasons listed as cause enumerated in subsection (2) of this section."

On page 11, line 4, after "chapter" insert ";

(m) A tenancy may be terminated upon the expiration of the term if the landlord gives the tenant notice in writing not less than 60 days prior to the ending date of the term, and:

(i) The tenant has committed four or more violations, other than one for monetary damages, of a substantial breach of one of the following: a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, within the preceding 12-month period and the landlord has given the tenant a written warning notice at the time of each violation;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to terminate the tenancy at the end of the term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to termination under this subsection; and

(iii) The 60-day notice of termination must:

(A) State that the rental agreement will terminate upon the specified ending date for the term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for the termination and supporting facts; and

(C) Be delivered to the tenant concurrent with or after the fourth or subsequent written warning notice.

(iv) The notice under this subsection must include all notices supporting the basis of termination;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) Nothing in this subsection shall be construed to absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under subsection (2) (b) of this section at the time of the

violation had the tenant not cured the violation"

Representative Peterson spoke in favor of the adoption of the amendment.

Representatives Caldier, Dufault, Barkis and Walsh spoke against the adoption of the amendment.

Amendment (385) was adopted.

Representative Gilday moved the adoption of amendment (368):

On page 7, beginning on line 24, after "59.12.040." strike all material through "section." on line 28

Representatives Gilday, Dufault, Walsh, Graham, Kraft and Caldier spoke in favor of the adoption of the amendment.

Representatives Peterson, Macri and Taylor spoke against the adoption of the amendment.

Amendment (368) was not adopted.

Representative Dufault moved the adoption of amendment (352):

On page 7, beginning on line 29, strike all of subsection (c)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 13, beginning on line 33, strike all of section 4

Re-number the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Dufault, Caldier, Dufault (again) and Walsh spoke in favor of the adoption of the amendment.

Representatives Harris-Talley and Macri spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (352) and the amendment was not adopted by the following vote: Yeas: 45; Nays: 53; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert,

Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Dufault moved the adoption of amendment (353):

On page 10, beginning on line 37, after "action" strike all material through "tenancy" on line 40

Representatives Dufault and Peterson spoke in favor of the adoption of the amendment.

Amendment (353) was adopted.

Representative Caldier moved the adoption of amendment (355):

On page 10, line 32, after "(1)" strike "(i)"

On page 10, beginning on line 37, after "action." strike all material through "chapter." on page 11, line 4

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (355) and the amendment was not adopted by the following vote: Yeas: 46; Nays: 52; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Boehnke, Bronoske, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, Leavitt, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shewmake, Springer, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

Voting nay: Representatives Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby,

Kloba, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Representative Gilday moved the adoption of amendment (371):

On page 11, line 4, after "chapter" insert ";

(m) The tenant remains in possession after causing damage to the property in excess of the tenant's security deposit"

Representatives Gilday, Dufault, Caldier, Dufault (again) and Kraft spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (371) was not adopted.

Representative Leavitt moved the adoption of amendment (372):

On page 11, line 4, after "chapter" insert ";

(m) The tenant continues in possession after having received a 60-day notice to quit for other good cause prior to the termination of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for termination enumerated under this subsection. Where the landlord relies on this basis for termination of the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court shall condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court shall award court costs and fees as allowed under this chapter"

Representatives Leavitt and Caldier spoke in favor of the adoption of the amendment.

Representative Dufault spoke against the adoption of the amendment.

Amendment (372) was adopted.

Representative Klippert moved the adoption of amendment (384):

On page 11, line 4, after "chapter" insert ";"

(m) The tenant continues in possession after using any nonprescription narcotic, including methamphetamine, if such usage is legalized"

Representatives Klippert, Kraft, Dufault, Caldier and Dent spoke in favor of the adoption of the amendment.

Representative Davis spoke against the adoption of the amendment.

Amendment (384) was not adopted.

Representative Vick moved the adoption of amendment (366):

On page 11, line 26, after "or" strike "four and one-half" and insert "three"

Representatives Vick, Peterson and Dufault spoke in favor of the adoption of the amendment.

Amendment (366) was adopted.

Representative Walsh moved the adoption of amendment (356):

On page 12, line 11, after "by" strike "~~((either party))~~ the tenant" and insert "either party"

On page 12, line 12, after "the" strike "~~((other))~~ landlord" and insert "other"

Representatives Walsh, Dufault and Sutherland spoke in favor of the adoption of the amendment.

Representative Bateman spoke against the adoption of the amendment.

Amendment (356) was not adopted.

Representative Dufault moved the adoption of amendment (354):

On page 17, after line 33, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 59.18 RCW to read as follows:

The requirements for terminating a residential tenancy for cause as set forth in this act shall be the most restrictive requirements for terminating a tenancy within the state, and shall preempt any such local laws and

ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Dufault, Caldier and Dufault (again) spoke in favor of the adoption of the amendment.

Representative J. Johnson spoke against the adoption of the amendment.

Amendment (354) was not adopted.

Representative Dufault moved the adoption of amendment (363):

On page 17, after line 33, insert the following:

"NEW SECTION. Sec. 7. For the purpose of limiting the reasons for termination of residential tenants' current leases by providing for elimination of past due rent and providing certainty for when chapter 59.18 RCW will be restored, the following is implemented:

(1) Any eviction moratorium currently in effect is hereby suspended.

(2)(a) A landlord may immediately initiate an action under RCW 59.12.030(4) upon acts in violation of RCW 59.18.130 and 59.18.140 by the tenant, guests of the tenant, and invitees of the tenant, occurring as of the effective date of this section.

(b) Beginning on the effective date of this section, a landlord must provide to a tenant who has delinquent rent and has not already agreed to a payment plan notice of the affidavit of COVID hardship and option of payment plan described in sections 8 through 10 of this act.

(3) Within seven days of receiving the landlord's notice under this section, a tenant must respond to the notice provided by a landlord by returning the affidavit of COVID hardship and entering into a payment plan described in section 8 of this act. If a tenant does not respond as described in this subsection, a landlord may serve a tenant with a 14-day notice pursuant to RCW 59.12.030(3).

(4) When a landlord serves a 14-day notice pursuant to RCW 59.12.030, the following notice packet must be served on the tenant: 14-day notice as required by

RCW 59.18.057, the affidavit of COVID hardship, and the notice of payment plan options.

(5) All forms required by this act must comply with the requirements of RCW 59.18.058.

NEW SECTION. Sec. 8. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1) Where there is any delinquency related to rent occurring between February 29, 2020, and June 30, 2021, a landlord must offer the tenant an option of payment plan consisting of a repayment schedule equal to or greater than payment of the outstanding debt in monthly payments of at least one-sixth of the outstanding debt owing, except where federal regulations require a different repayment schedule.

(2) A tenant's regular, contractual monthly rental payments must continue.

(3) All repayment plan agreements between a landlord and a tenant must be in writing.

(4) Any payment agreement entered into before the effective date of this section remains in full force and effect.

NEW SECTION. Sec. 9. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1)(a) A tenant who has received notice under section 7 of this act must complete and return to his or her landlord an affidavit of COVID hardship within seven days of service of the notice packet described in section 7 of this act.

(b) The tenant must return the affidavit of COVID hardship to the landlord in person, by first-class mail, or by electronically sending a copy or photograph of the affidavit to the landlord.

(2) COVID hardship exists when a tenant has experienced at least one of the following hardships since February 29, 2020:

(a) Loss of income directly related to COVID;

(b) Extraordinary expenses directly related to health impacts of COVID;

(c) New care responsibilities for a child or an elderly, disabled, or sick family member directly related to COVID that limit the tenant's ability to earn income; or

(d) Extraordinary costs for child care or attending to an elderly, disabled, or sick family member directly related to COVID.

(3) A tenant whose household income exceeds 130 percent of the area median income for the county where the tenant resides may be required to provide additional documentation supporting the tenant's claim of financial distress with his or her affidavit of COVID hardship. If a tenant fails to submit this documentation together with his or her declaration of COVID-related financial distress, and does not either pay the amount demanded in the landlord's notice or deliver possession of the premises back to the landlord, the landlord may begin an unlawful detainer action against the tenant.

(4) A tenant completing the affidavit of COVID hardship must provide proof of hardship.

(5) If a tenant fails to complete and return the affidavit of COVID hardship to the landlord within the time frame set forth in subsection (1)(a) of this section, the landlord may commence an unlawful detainer action by filing a summons and complaint with the court pursuant to chapter 59.12 RCW.

(6) The affidavit of COVID hardship provided by the landlord must be in substantially the following form:

Date: _____

Tenant Name(s): _____

Tenant Address: _____

Landlord Name: _____

Landlord Address: _____

AFFIDAVIT OF COVID HARDSHIP AFFECTING PAYMENT OF RENT

The tenant must provide this signed document to the landlord within seven days of the date above.

I attest that the foregoing are true and correct:

(1) I am unable to pay my regular monthly rent for one of the following reasons:

(a) Loss of income directly related to COVID.

(b) Extraordinary expenses directly related to health impacts of COVID.

(c) Child care responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to COVID that limit my ability to earn income.

(d) Extraordinary costs for child care or attending to an elderly, disabled, or sick family member directly related to COVID.

(2) My income is less than 130 percent of the area median income for the county where I reside. (If the landlord alleges you earn more than 130 percent of area median income for the county where the rental property is located, you must provide information supporting your claim of COVID hardship.)

(3) A tenant completing the affidavit of COVID hardship must provide proof of hardship.

(4) I have used best efforts to obtain all available government assistance for rent or housing.

(5) I am using best efforts to make timely partial payments that are as close to the full payment as my circumstances may permit, taking into account other nondiscretionary expenses.

(6) I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected on rent due.

(7) I further understand that failure to provide this notice to my housing provider may require payment in full for all payments not made from February 29, 2020, to present and may make me subject to eviction pursuant to state and local laws.

The Washington state Office of the Attorney General has this notice in multiple languages on its website. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, for no-cost legal assistance for low-income

renters contact your county's housing justice project, or, if none, a statewide organization providing housing advocacy services for low-income residents. You may find additional information to help you at <http://www.washingtonlawhelp.org>.

State law provides you the right to receive interpreter services at court.

Signature _____ of _____ Tenant:
Date:

NEW SECTION. **Sec. 10.** For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented:

(1) The emergency rental assistance grant program is created in the department of commerce to reimburse tenants and landlords for past due rental payments. Tenants or landlords may apply for grant assistance for reimbursement of past due rental payments owing by tenants.

(2) A tenant applying for a grant must self-certify that he or she has a COVID hardship as described in section 9 of this act.

(3) To be eligible for a grant, a tenant must have experienced or demonstrated a COVID hardship certified by an affidavit of COVID hardship as described in section 9 of this act.

(4) When a landlord applies for a grant award under this section, the department of commerce must notify the tenant of any grant awarded to a tenant of that landlord along with repayment requirements by tenant and acknowledgment that rent remains due and payable by tenant to landlord.

(5) Grant recipients shall receive 100 percent of total contract rental amount in arrears at the time of anticipated payment date, which shall occur not later than 15 days from date of application.

(6) The department of commerce must provide notification of rejection of application to both tenant and landlord, regardless of which party applied.

(7) Administrative costs associated with application, distribution, and other program activities of the department of commerce may not exceed five percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual

funds available for determining the administrative costs.

NEW SECTION. Sec. 11. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: The emergency rental assistance account is created in the state treasury. All receipts from sources directed to the emergency rental assistance grant program must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for the purpose of the emergency rental assistance grant program as described in section 10 of this act.

NEW SECTION. Sec. 12. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: The sum of \$300,000,000, or as much thereof as may be necessary, is appropriated from the budget stabilization account for the fiscal year ending June 30, 2021, and is provided solely for expenditure into the emergency rental assistance grant program to implement the emergency rental assistance grant program described in section 6 of this act. For purposes of RCW 43.88.055(4), the appropriation in this section does not alter the requirement to balance in the ensuing biennium. All appropriated funds shall be distributed such that each county receives a percentage of total appropriated funds in proportion to each county's percentage of total state population.

NEW SECTION. Sec. 13. For the purpose of limiting the reasons for termination of residential tenants' current leases, the following is implemented: Sections 7 through 12 of this act expire one year after the effective date of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (363).

SPEAKER'S RULING

"The title of the bill is an act relating to protecting residential tenants from the beginning to end of their

tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

Amendment (363) suspends any eviction moratorium currently in effect and establishes an emergency rental assistance grant program.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Caldier moved the adoption of amendment (386):

On page 17, line 34, after "This act" strike all material through "immediately" on line 37 and insert "takes effect on the first day following the expiration or termination of proclamation 20-19, and any subsequent orders extending or amending the proclamation, temporarily prohibiting residential evictions statewide on March 18, 2020"

Correct the title.

POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (386).

SPEAKER'S RULING

"The title of the bill is an act relating to protecting residential tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination.

The bill specifies exclusive causes for eviction, refusal to renew, and termination of tenancies under the Residential Landlord-Tenant Act and makes other changes to rights and remedies.

Amendment (386) ties the effective date of the bill to the expiration or termination of a proclamation issued pursuant to the governor's statutory powers to prohibit certain activities during a state of emergency.

This legislative session over a dozen bills have been filed relating to the emergency powers of the governor and the executive branch. The wisdom or necessity of statutes granting authority to issue emergency orders and the wisdom or necessity of the emergency orders that have been issued pursuant to such statutes are topics separate and distinct from the issue presented in the bill before us – whether to expand tenant protections under the Residential Landlord-Tenant Act.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Macri, Taylor, Morgan, Ramel, Bateman and Stonier spoke in favor of the passage of the bill.

Representatives Caldier, Kraft, Schmick, Jacobsen, Abbarno, Gilday, Volz, Walsh, Eslick, Barkis, Sutherland, Corry, Chambers, Hoff, Dent, Dufault, Dye and Dufault (again) spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1236.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas: 54; Nays: 44; Absent: 0; Excused: 0

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cody, Davis, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, Jinkins, Johnson, J., Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, and Wylie

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chapman, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra, and Young

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

HOUSE BILL NO. 1418, by Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet

Enhancing rail safety governance by expanding the role of the utilities and transportation commission.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

Representative Leavitt moved the adoption of striking amendment (408):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that rail safety is critical to the impacts of the state's transportation network on public safety and the environment. On December 18, 2017, a passenger train derailed from a bridge near DuPont, Washington. Three passengers were killed and 57 passengers and crewmembers were injured. While the 2017 derailment had particularly tragic consequences, the risks to public safety and the environment are underscored by other rail incidents that have occurred in the past several years, including the freight train transporting oil derailment and resulting fire on June 3, 2016, in the Columbia river gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and the derailment of a freight train transporting oil through Custer, Washington, in late 2020 that also resulted in a fire.

(2) The national transportation safety board issued an accident report on the 2017 derailment in early 2019. The report included recommendations for government agencies that participated in developing the new route related to improvements in safety oversight, coordination, and communication. In 2020, the joint transportation committee oversaw a rail safety governance study that provided an assessment and recommendations for how rail safety oversight, organizational structures and processes, and coordination activities could be modified to improve rail safety governance across the state.

(3) The legislature intends to build on the recommendations of the national transportation safety board and joint transportation committee reports to strengthen rail safety governance by expanding the utility and transportation commission's role in rail safety to include oversight of all rail transportation in the state to the extent permitted under federal law, including over implementation of new and materially changed railroad operations and over the safety management practices of railroad operations. The legislature intends for this role to include promotion of safety

and security of the public and rail employees, as well as protection of the environment, to the extent these goals can be furthered by the commission's expanded role.

(4) The legislature does not intend for the expanded role of the utility and transportation commission in rail safety to be funded through the assessment of fees on rail entities.

Sec. 2. RCW 81.04.540 and 2007 c 234 s 2 are each amended to read as follows:

(1)(a) The commission is authorized to oversee rail safety in the state to the extent permitted by federal law and is responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads, and for enforcing state and federal laws and regulations relating to transportation of persons or commodities, or both, of any nature or description by rail. The oversight of rail fixed guideway systems is governed by RCW 81.104.115 and as specified in (b) of this subsection. Rail safety oversight shall include, but is not limited to, the following:

(i) Oversight of the implementation of new and materially changed railroad operations and infrastructure for rail service through inspection, surveillance, and investigation, as permitted by federal law.

(ii) Oversight of the safety management practices for passenger railroad operations, as permitted by federal law. The department of transportation shall coordinate with the commission and Amtrak to facilitate the oversight of state passenger rail service to the extent permitted under federal law. The commission shall facilitate communication and collaboration between freight rail service providers to promote industry safety management practices.

(b)(i) In coordination with the department of transportation, the commission shall provide support and technical assistance in the oversight of the safety of rail fixed guideway systems carried out by the department under RCW 81.104.115, as permitted by federal law. The commission and its employees shall have no liability for any actions taken pursuant to this subsection performed to support and provide technical assistance for any of the actions for which the department has no liability under RCW 81.104.115.

(ii) As the state agencies that oversee rail safety in the state, the commission and the department of transportation shall report annually to the transportation committees of the legislature, and to the governor's office, by December 1st of each year on the status of the department of transportation's safety oversight of rail fixed guideway systems. As part of this report, the agencies shall provide a joint assessment of the activities carried out in each of the areas specified in RCW 81.104.115 and as otherwise required by the federal transit administration in these and related areas, including: Investigations and enforcement; system safety program plan and system security and emergency preparedness plan oversight; compliance mechanisms in place for enforcement; auditing of system safety program plans and system security and emergency preparedness plans; investigations of reportable incidents, accidents, security breaches, hazards, and security vulnerability; and any associated rule adoption. The report shall include plans and recommendations for enhancing current activities in these areas.

(2) The commission shall cooperate with the federal government and the United States department of transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers, to the end that the transportation of property and passengers by common carriers in interstate or foreign commerce into and through the state of Washington may be regulated and that the laws of the United States and the state of Washington are enforced and administered cooperatively in the public interest.

~~((+2))~~ (3) In addition to its authority concerning interstate commerce under this title, the commission may regulate common carriers in interstate commerce within the state under the authority of and in accordance with any act of congress that vests in or delegates to the commission such authority as an agency of the United States government or under an agreement with the United States department of transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers.

~~((3) For the purpose of participating with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations, the)) (4) The commission has regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations in the state, including authority to investigate and conduct inspections necessary to the enforcement of state railroad safety regulations, as permitted by federal law. This jurisdiction includes the authority to participate with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations.~~

(5) The commission shall produce an annual report on rail safety in the state and provide it to the transportation committees of the legislature, including the joint transportation committee, and shall make this report available to the public. This report shall include information related to rail safety of rail fixed guideway systems.

(6) The commission shall promote rail safety through the facilitation of communication and collaboration among stakeholders with an interest in rail, including local jurisdictions, host and tenant railroads, and rail labor organizations. This communication and collaboration shall include communication and collaboration related to rail safety of rail fixed guideway systems.

(7) "Rail fixed guideway system," as used in this section, has the same meaning as defined in RCW 81.104.015.

Sec. 3. RCW 81.04.550 and 2007 c 234 s 3 are each amended to read as follows:

The commission shall administer the railroad safety provisions of this title to the fullest extent allowed under federal law, including 49 U.S.C. Sec. 20106, and state law.

NEW SECTION. Sec. 4. (1) To ensure this act is implemented upon its effective date and all systems, processes, and collaboration necessary to implement this act are in place, the utilities and transportation commission may, prior to July 1, 2022:

(a) Adopt rules, policies, and procedures on railroad safety;

(b) Initiate the recruitment, training, and certification of personnel dedicated to railroad safety; and

(c) Facilitate stakeholder communications and outreach on key railroad safety initiatives, developments, and strategies.

(2) All rules adopted prior to July 1, 2022, shall have an effective date that is consistent with those in this act.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act take effect July 1, 2022."

Correct the title.

Striking amendment (408) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Leavitt and Barkis spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Ryu was excused.

On motion of Representative Griffey, Representative Chambers was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418, and the bill passed the House by the following vote: Yeas: 89; Nays: 6; Absent: 1; Excused: 2

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Santos, Schmick, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Chandler, Dent, Dufault, Kraft, McEntire, and Walsh
 Absent: Representative Shewmake
 Excused: Representatives Chambers and Ryu

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1424, by Representatives Walen, Ybarra, Springer, Simmons, Ramel and Berg

Concerning consumer protection with respect to the sale of dogs and cats.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1424 was substituted for House Bill No. 1424 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1424 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Walen and Berg spoke in favor of the passage of the bill.

Representative Vick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1424.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1424, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chandler, Dent, Dufault, Dye, Gilday, Graham, Harris, Hoff, Jacobsen, Klicker, Klippert, Kretz, Maycumber, McCaslin, McEntire, Orcutt, Robertson, Rude, Schmick, Shewmake, Sutherland, Vick, Volz, Walsh, Wilcox and Young.

SUBSTITUTE HOUSE BILL NO. 1424, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1314, by Representatives Young, Lovick, Dufault, Hackney, Bateman, Rule, Lekanoff, Pollet and Callan

Concerning veteran diversion from involuntary commitment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1314 was substituted for House Bill No. 1314 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1314 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Davis, Young and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1314.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1314, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE HOUSE BILL NO. 1314, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1418, on reconsideration, and the bill passed the House by the following vote: Yeas: 91; Nays: 7; Absent: 0; Excused: 0

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, Jinkins, Johnson, J., Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, and Young

Voting nay: Representatives Chandler, Chase, Dent, Dufault, Kraft, McEntire, and Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1418, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTION

There being no objection, the Committee on Health Care & Wellness was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5268, and the bill was referred to the Committee on Housing, Human Services & Veterans.

There being no objection, the House adjourned until 12:00 p.m., March 8, 2021, the 57th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

1236-S		5195-S2	
Amendment Offered	2, 3, 4, 5, 8	Introduction & 1st Reading	1
Third Reading Final Passage	9	5263-S	
Other Action	2	Introduction & 1st Reading	1
1314		5268-S	
Second Reading	12	Introduction & 1st Reading	1
1314-S		Other Action.....	13
Second Reading	12	5293-S2	
Third Reading Final Passage	12	Introduction & 1st Reading	2
1418		5295-S	
Second Reading	9	Introduction & 1st Reading	2
1418-S		5304-S2	
Second Reading	9	Introduction & 1st Reading	2
Amendment Offered	9	5357-S	
Third Reading Final Passage	12, 13	Introduction & 1st Reading	2
Other Action	13	5361-S	
1424		Introduction & 1st Reading	2
Second Reading	12	5368-S2	
1424-S		Introduction & 1st Reading	2
Second Reading	12	5405-S	
Third Reading Final Passage	12	Introduction & 1st Reading	2
5004-S		HOUSE OF REPRESENTATIVES (The Speaker	
Introduction & 1st Reading.....	1	presiding)	
5015		Point of Order	
Introduction & 1st Reading.....	1	Representative Stonier - Scope Amendment (363).....	8
5043		Representative Stonier - Scope Amendment (386).....	8
Introduction & 1st Reading.....	1	SPEAKER OF THE HOUSE (The Speaker presiding)	
5058		Speaker's Ruling	
Introduction & 1st Reading.....	1	Scope - Amendment (363).....	8
5188-S2		Scope - Amendment (386).....	8
Introduction & 1st Reading.....	1		