

ONE HUNDRED FIRST DAY

House Chamber, Olympia, Wednesday, April 20, 2011

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Funkhouser and Tillery Murphy. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend G.W. Fisher, Tacoma Bible Presbyterian Church, Washington.

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

MESSAGES FROM THE SENATE

April 19, 2011

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL 5067
SUBSTITUTE SENATE BILL 5326
SUBSTITUTE SENATE BILL 5350
ENGROSSED SUBSTITUTE SENATE BILL 5371
SUBSTITUTE SENATE BILL 5392
SUBSTITUTE SENATE BILL 5394
SECOND SUBSTITUTE SENATE BILL 5427
SUBSTITUTE SENATE BILL 5436
SUBSTITUTE SENATE BILL 5445
SUBSTITUTE SENATE BILL 5451
SUBSTITUTE SENATE BILL 5452
SUBSTITUTE SENATE BILL 5504

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2011

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL 5540
SUBSTITUTE SENATE BILL 5579
SUBSTITUTE SENATE BILL 5590
SUBSTITUTE SENATE BILL 5784

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

THIRD READING

MESSAGE FROM THE SENATE

April 6, 2011

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1899 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.550 and 2005 c 483 s 5 and 2005 c 274 s 288 are each reenacted and amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Upon the motion of any person who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond to a public record request, the superior court in the county in which a record is maintained may require the responsible agency to show that the estimate it provided is reasonable. The burden of proof shall be on the agency to show that the estimate it provided is reasonable.

(3) Judicial review of all agency actions taken or challenged under RCW 42.56.030 through 42.56.520 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section. The court may conduct a hearing based solely on affidavits.

(4) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court whether to make any monetary award to such person ((and)) or to make a monetary award in any amount ((not less than five dollars and not to exceed)) up to one hundred dollars for each day that he or she was denied the right to inspect or copy said public record.

(5) For actions under this section against counties, the venue provisions of RCW 36.01.050 apply.

(6) Actions under this section must be filed within one year of the agency's claim of exemption or the last production of a record on a partial or installment basis."

On page 1, line 1 of the title, after "violations;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.550; and prescribing penalties."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1899 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 15, 2011

Mr. Speaker:

The Senate insists on its position in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5457 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Haugen, King and White, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5457. The Speaker appointed the following members as Conferees: Representatives Clibborn, Liias and Armstrong.

MESSAGE FROM THE SENATE

April 19, 2011

Mr. Speaker:

The Senate insists on its position in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5749 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Brown, Hewitt and Tom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5749. The Speaker appointed the following members as Conferees: Representatives Seaquist, Haler and Reykdahl.

MESSAGE FROM THE SENATE

April 19, 2011

Mr. Speaker:

The Senate insists on its position in the House amendment to SUBSTITUTE HOUSE BILL NO. 1793 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Carrell, Hargrove and Harper, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SUBSTITUTE HOUSE BILL NO. 1793. The Speaker appointed the following members as Conferees: Representatives Darneille, Dickerson and Walsh.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

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

INTRODUCTION & FIRST READING

2SSB 5622 by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Swecker, Fraser, Hargrove, White, Regala, Shin, Chase, Kline and Conway)

AN ACT Relating to recreation access on state lands; amending RCW 4.24.210, 46.16A.090, 7.84.030, 79A.05.160, 43.12.065, 77.15.020, 77.32.560, 77.32.010, 77.15.750, 43.30.385, 79A.05.215, 77.12.170, 79A.05.070, and 79A.05.225; adding a new section to chapter 7.84 RCW; adding a new chapter to Title 79A RCW; repealing RCW 77.32.380; prescribing penalties; providing effective dates; and declaring an emergency.

There being no objection, SECOND SUBSTITUTE SENATE BILL NO. 5622 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

THIRD READING**MESSAGE FROM THE SENATE**

April 19, 2011

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5625 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 5625 was returned to second reading for the purpose of amendment.

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

SECOND READING

SENATE BILL NO. 5625, by Senators Harper, King, McAuliffe, Litzow and Nelson

Authorizing implementation of a nonexpiring license for early learning providers.

Representative Roberts moved the adoption of amendment (657).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.260 and 2006 c 265 s 307 are each amended to read as follows:

(1) Each agency shall make application for a license or ((renewal of) the continuation of a full license to the department on forms prescribed by the department. Upon receipt of such application, the department shall either grant or deny a license or continuation of a full license within ninety days. A license or continuation shall be granted if the agency meets the minimum requirements set forth in this chapter and the departmental requirements consistent with ((the (this)) this chapter, except that an initial license may be issued as provided in RCW 43.215.280. The department shall consider whether an agency is in good standing, as defined in subsection (4)(b) of this section, before granting a continuation of a full license. Full licenses provided for in this chapter shall ((be issued for a period of

~~three years~~) continue to remain valid so long as the licensee meets the requirements for a nonexpiring license in subsection (2) of this section. The licensee, however, shall advise the director of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed family day care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move.

(2) In order to qualify for a nonexpiring full license, a licensee must meet the following requirements on an annual basis as established from the date of initial licensure:

- (a) Submit the annual licensing fee;
- (b) Submit a declaration to the department indicating the licensee's intent to continue operating a licensed child care program, or the intent to cease operation on a date certain;
- (c) Submit a declaration of compliance with all licensing rules; and
- (d) Submit background check applications on the schedule established by the department.

(3) If a licensee fails to meet the requirements in subsection (2) of this section for continuation of a full license the license expires and the licensee must submit a new application for licensure under this chapter.

(4)(a) Nothing about the nonexpiring license process may interfere with the department's established monitoring practice.

(b) For the purpose of this section, an agency is considered to be in good standing if in the intervening period between monitoring visits the agency does not have any of the following:

- (i) Valid complaints;
- (ii) A history of noncompliance related to those valid complaints or pending from prior monitoring visits; or
- (iii) Other information that when evaluated would result in a finding of noncompliance with this section.

(c) The department shall consider whether an agency is in good standing when determining the most appropriate approach and process for monitoring visits, for the purposes of administrative efficiency while protecting children, consistent with this chapter. If the department determines that an agency is not in good standing, the department may issue a probationary license, as provided in RCW 43.215.290.

Sec. 2. RCW 43.215.290 and 2006 c 265 s 310 are each amended to read as follows:

(1) The department may issue a probationary license to a licensee who has had ~~(a)~~ an initial, expiring, or other license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

- (a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and
- (b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) Before issuing a probationary license, the department shall, in writing, refer the licensee to the child care resource and referral network or other appropriate resource for technical assistance. The department may issue a probationary license pursuant to subsection (1) of this section if within fifteen working days after the department has sent its referral:

- (a) The licensee, in writing, has refused the department's referral for technical assistance; or
- (b) The licensee has failed to respond in writing to the department's referral for technical assistance.

(3) If the licensee accepts the department's referral for technical assistance issued under subsection (2) of this section, the department, the licensee, and the technical assistance provider shall meet within thirty days after the licensee's acceptance. The licensee and the

department, in consultation with the technical assistance provider, shall develop a plan to correct the areas of noncompliance identified by the department. If, after sixty days, the licensee has not corrected the areas of noncompliance identified in the plan developed in consultation with the technical assistance provider, the department may issue a probationary license pursuant to subsection (1) of this section.

(4) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

~~((3))~~ (5) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

~~((4))~~ (6) An existing license is invalidated when a probationary license is issued.

~~((5))~~ (7) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

~~((6))~~ (8) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

Sec. 3. RCW 43.215.270 and 2006 c 265 s 308 are each amended to read as follows:

(1) If a licensee desires to apply for a renewal of its license, a request for a renewal shall be filed ninety days before the expiration date of the license. If the department has failed to act at the time of the expiration date of the license, the license shall continue in effect until such time as the department acts.

(2) License renewal under this section does not apply to nonexpiring licenses described in RCW 43.215.260."

Correct the title.

Representatives Roberts and Walsh spoke in favor of the adoption of the amendment.

Amendment (657) was adopted.

MOTIONS

On motion of Representative Van De Wege, Representative Liias was excused. On motion of Representative Hinkle, Representative Overstreet was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5625, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5625, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeyer, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jenkins, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst,

Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Excused: Representatives Liias and Overstreet.

SENATE BILL NO. 5625 as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Roberts to preside.

MESSAGES FROM THE SENATE

April 8, 2011

MR. SPEAKER:

The Senate has passed HOUSE BILL 1953 and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2011

MR. SPEAKER:

The Senate has passed SUBSTITUTE SENATE BILL 5385 and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2011

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL 1312
SUBSTITUTE HOUSE BILL 2017
HOUSE BILL 2019

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2011

MR. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1037, and passed the bill without said amendments.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2011

MR. SPEAKER:

The Senate has granted the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5836. The President has appointed the following members as Conferees: Haugen, King, White

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2011

MR. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1478. The President has appointed the following members as Conferees: Nelson, Pridemore, Swecker and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2011

MR. SPEAKER:

The Senate has passed SECOND SUBSTITUTE SENATE BILL 5622 and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2011

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL 5595
SUBSTITUTE SENATE BILL 5614
SUBSTITUTE SENATE BILL 5658
SUBSTITUTE SENATE BILL 5688

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 2011

MR. SPEAKER:

The President has signed:

SENATE BILL 5119
ENGROSSED SUBSTITUTE SENATE BILL 5485
SUBSTITUTE SENATE BILL 5502
ENGROSSED SENATE BILL 5505
SUBSTITUTE SENATE BILL 5525
SENATE BILL 5806
ENGROSSED SENATE BILL 5907

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SUPPLEMENTAL INTRODUCTION & FIRST READING

SSB 5385 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Ranker, Rockefeller and Fraser)

AN ACT Relating to increasing revenue to the state wildlife account; amending RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, and 77.115.040; reenacting and amending RCW 43.84.092; repealing RCW 77.32.510; providing effective dates; providing an expiration date; and declaring an emergency.

There being no objection, SUBSTITUTE SENATE BILL NO. 5385 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., June 15, 2011, the 102nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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