

## SEVENTH DAY

House Chamber, Olympia, Monday, May 2, 2011

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller 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 Samantha Casne and Lesley Roberts. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Bruce Dammeier, 25th District, Washington.

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 sixth order of business.

### SECOND READING

#### **HOUSE BILL NO. 2070, by Representative Seaquist**

**Determining average salary for the pension purposes of state and local government employees as certified by their employer.**

The bill 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.

Representative Hunter spoke in favor of the passage of the bill.

### MOTIONS

On motion of Representative Van De Wege, Representatives Hurst, Kagi and Pedersen were excused. On motion of Representative Hinkle, Representative McCune was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2070.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2070, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; Absent, 0; Excused, 4.

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

Pearson, Pettigrew, Probst, Reykdal, 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.

Voting nay: Representatives Buys, Kristiansen, Overstreet and Rivers.

Excused: Representatives Hurst, Kagi, McCune and Pedersen.

HOUSE BILL NO. 2070, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1632, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Hurst and Armstrong)**

#### **Modifying cost of supervision provisions.**

The bill 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 Hope and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1632.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1632, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

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

SUBSTITUTE HOUSE BILL NO. 1632, having received the necessary constitutional majority, was declared passed.

**THIRD READING**

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1738 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**

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1738, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Jinkins)**

**Changing the designation of the medicaid single state agency.**

Representative Hunter moved the adoption of amendment (706).

On page 50, beginning on line 22, after "(1)" strike all material through "section" on page 52, line 17 and insert "The following persons have the right to an adjudicative proceeding:

(a) Any applicant or recipient who is aggrieved by a decision of the authority or an authorized agency of the authority; or

(b) A current or former recipient who is aggrieved by the authority's claim that he or she owes a debt for overpayment of assistance.

(2) For purposes of this section:

(a) "Applicant" means any person who has made a request, or on behalf of whom a request as been made to the authority for any medical services program established under chapter 74.09 RCW.

(b) "Recipient" means a person who is receiving benefits from the authority for any medical services program established in this chapter.

(3) An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the authority's decision is a federal or state law requiring an assistance adjustment for a class of applicants or recipients.

(4) An applicant or recipient may file an application for an adjudicative proceeding with either the authority or the department and must do so within ninety calendar days after receiving notice of the aggrieving decision. The authority shall determine which agency is responsible for representing the state of Washington in the hearing, in accordance with agreements entered pursuant to RCW 41.05.021.

(5)(a) The adjudicative proceeding is governed by the administrative procedure act, chapter 34.05 RCW, and this subsection. The following requirements shall apply to adjudicative proceedings in which an appellant seeks review of decisions made by more than one agency. When an appellant files a single application for an adjudicative proceeding seeking review of decisions by more than one agency, this review shall be conducted initially in one adjudicative proceeding. The presiding officer may sever the proceeding into multiple proceedings on the motion of any of the parties, when:

(i) All parties consent to the severance; or

(ii) Either party requests severance without another party's consent, and the presiding officer finds there is good cause for severing the matter and that the proposed severance is not likely to prejudice the rights of an appellant who is a party to any of the severed proceedings.

(b) If there are multiple adjudicative proceedings involving common issues or parties where there is one appellant and both the authority and the department are parties, upon motion of any party or upon his or her own motion, the presiding officer may consolidate the proceedings if he or she finds that the consolidation is not likely to

prejudice the rights of the appellant who is a party to any of the consolidated proceedings.

(c) The adjudicative proceeding shall be conducted at the local community services office or other location in Washington convenient to the applicant or recipient and, upon agreement by the applicant or recipient, may be conducted telephonically.

(d) The applicant or recipient, or his or her representative, has the right to inspect his or her file from the authority and, upon request, to receive copies of authority documents relevant to the proceedings free of charge.

(e) The applicant or recipient has the right to a copy of the audio recording of the adjudicative proceeding free of charge.

(f) If a final adjudicative order is issued in favor of an applicant, medical services benefits must be provided from the date of earliest eligibility, the date of denial of the application for assistance, or forty-five days following the date of application, whichever is soonest. If a final adjudicative order is issued in favor of a recipient, medical services benefits must be provided from the effective date of the authority's decision.

(g) The authority is limited to recovering an overpayment arising from assistance being continued pending the adjudicative proceeding to the amount recoverable up to the sixtieth day after the director's receipt of the application for an adjudicative proceeding.

(6) If the director requires that a party seek administrative review of an initial order to an adjudicative proceeding governed by this section, in order for the party to exhaust administrative remedies pursuant to RCW 34.05.534, the director shall adopt and implement rules in accordance with this subsection.

(a) The director, in consultation with the secretary, shall adopt rules to create a process for parties to seek administrative review of initial orders issued pursuant to RCW 34.05.461 in adjudicative proceedings governed by this subsection when multiple agencies are parties.

(b) This process shall seek to minimize any procedural complexities imposed on appellants that result from multiple agencies being parties to the matter, without prejudicing the rights of parties who are public assistance applicants or recipients.

(c) Nothing in this subsection shall impose or modify any legal requirement that a party seek administrative review of initial orders in order to exhaust administrative remedies pursuant to RCW 34.05.534.

(7) This subsection only applies to an adjudicative proceeding in which the appellant is an applicant for or recipient of medical services programs established under this chapter and the issue is his or her eligibility or ineligibility due to the assignment or transfer of a resource. The burden is on the authority or its authorized agency to prove by a preponderance of the evidence that the person knowingly and willingly assigned or transferred the resource at less than market value for the purpose of qualifying or continuing to qualify for medical services programs established under this chapter. If the prevailing party in the adjudicative proceeding is the applicant or recipient, he or she is entitled to reasonable attorneys' fees.

(8) When an applicant or recipient files a petition for judicial review as provided in RCW 34.05.514 of an adjudicative order entered with respect to the medical services program, no filing fee may be collected from the person and no bond may be required on any appeal. In the event that the superior court, the court of appeals, or the supreme court renders a decision in favor of the applicant or recipient, the person is entitled to reasonable attorneys' fees and costs. If a decision of the court is made in favor of an applicant, assistance shall be paid from the date of earliest eligibility, the date of the denial of the application for assistance, or forty-five days following the date of application, whichever is soonest. If a decision of the court is made in favor of a recipient, assistance shall be paid from the effective date of the authority's decision.

(9) The provisions of RCW 74.08.080 do not apply to adjudicative proceedings requested or conducted with respect to the medical services program pursuant to this section.

(10) The authority shall adopt any rules it deems necessary to implement this section."

Representatives Hunter and Schmick spoke in favor of the adoption of the amendment.

Amendment (706) 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.

Representative Hunter spoke in favor of the passage of the bill.

Representatives Schmick and Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Second Substitute House Bill No. 1738.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1738, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kelley, Kenney, Kirby, Ladenburg, Lytton, Maxwell, McCoy, Miloscia, Moeller, Morris, Moscoso, Ormsby, Orwall, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representatives Hurst, Kagi and Pedersen.

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1738, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1815, by House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Sullivan, Anderson, Haigh, Dammeier, Parker, Maxwell, Reykdal and Santos).**

**Preserving the school district levy base.**

The bill was read the third time.

Representatives Sullivan and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1815.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1815, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Carlyle, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Jinkins, Johnson, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Liias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Probst, Reykdal, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Ahern, Buys, Chandler, Overstreet and Taylor.

Excused: Representatives Hurst, Kagi and Pedersen.

SUBSTITUTE HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

#### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 1965 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

**SECOND SUBSTITUTE HOUSE BILL NO. 1965, by House Committee on Ways & Means (originally sponsored by Representatives Kagi, Jinkins, Frockt and Kenney)**

**Concerning adverse childhood experiences.**

The bill was read the second time.

Representative Dickerson moved the adoption of amendment (701).

On page 7, after line 30, insert the following:

"**Sec. 11.** RCW 70.190.040 and 1993 c 336 s 901 are each amended to read as follows:

(1) The legislature finds that helping children to arrive at school ready to learn is an important part of improving student learning.

(2) To the extent funds are appropriated, the (~~family policy council~~) superintendent of public instruction shall award grants to community-based consortiums that submit comprehensive plans that include strategies to improve readiness to learn."

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

On page 8, line 30, after "2005 c 347 s 2;" insert the following:

"(16) RCW 43.121.185 (Children's trust of Washington renamed) and 2008 c 152 s 5;"

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

On page 9, after line 21, insert the following:

"NEW SECTION. Sec. 14. RCW 70.190.040 is recodified as a section in chapter 28A.300 RCW."

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

Correct the title.

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

Representative Alexander spoke against the adoption of the amendment.

Amendment (701) 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.

Representative Dickerson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1965.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1965, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kelley, Kenney, Kirby, Klippert, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Moscoso, Ormsby, Orwall, Pettigrew, Probst, Reykdal, Roberts, Rodne, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Ross, Schmick, Shea, Short, Smith, Taylor, Warnick, Wilcox and Zeiger.

Excused: Representatives Hurst, Kagi and Pedersen.

SECOND SUBSTITUTE HOUSE BILL NO. 1965, having received the necessary constitutional majority, was declared passed.

### THIRD READING

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1277 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

**SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Ways & Means (originally sponsored by Representative Cody)**

**Concerning oversight of licensed or certified long-term care settings for vulnerable adults.**

The bill was read the second time.

Representative Cody moved the adoption of amendment (705).

On page 3, line 31, after "of the" strike "previous" and insert "initial"

On page 3, line 35, after "(3)" insert "The department shall only accept an additional application for licensure of other adult family homes when twelve months has passed since the previous adult family home license, and the department has taken no enforcement actions against the applicant's currently licensed adult family homes during the twelve months prior to application."

(4)"

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

On page 6, line 17, after "previous" strike "thirty-six" and insert "sixty"

On page 6, line 22, after "experience" insert "or, currently hold one of the following professional licenses: Physician licensed under chapter 18.71 RCW; osteopathic physician licensed under chapter 18.57 RCW; osteopathic physician assistant licensed under chapter 18.57A RCW; physician assistant licensed under chapter 18.71A RCW; registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW"

On page 11, line 30, after "residents." insert "The criteria shall be tiered such that those homes consistently found to have deficiencies will be subjected to increasingly severe penalties."

On page 12, line 9, after "growing" strike "need for"

On page 13, beginning on line 27, after "(5)" strike all material through "comingled" on page 15, line 4 and insert "If any funds in excess of one hundred dollars are paid to an adult family home by the resident or a representative of the resident, as a security deposit for performance of the resident's obligations, or as prepayment of charges beyond the first month's residency, the funds shall be deposited by the adult family home in an interest-bearing account that is separate from any of the home's operating accounts, and that credits all interest earned on the resident's funds to that account. In pooled accounts, there must be a separate accounting for each resident's share. The account or accounts shall be in a financial institution as defined by RCW 30.22.041, and the resident shall be notified in writing of the name, address, and location of the depository. The adult family home may not commingle resident funds from these accounts with the adult family home's funds or with the funds of any person other than another resident. The individual resident's account record shall be available upon request by the resident or the resident's representative."

(6) The adult family home shall provide the resident or the resident's representative full disclosure in writing, prior to the receipt of any funds for a deposit, security, prepaid charges, or any other fees or charges, specifying what the funds are paid for and the basis for retaining any portion of the funds if the resident dies, is hospitalized, or is transferred or discharged from the adult family home. The disclosure must be in a language that the

resident or the resident's representative understands, and be acknowledged in writing by the resident or the resident's representative. The adult family home shall retain a copy of the disclosure and the acknowledgment. The adult family home may not retain funds for reasonable wear and tear by the resident or for any basis that would violate RCW 70.129.150.

(7) Funds paid by the resident or the resident's representative to the adult family home, which the adult family home in turn pays to a placement agency or person, shall be governed by the disclosure requirements of this section. If the resident then dies, is hospitalized, or is transferred or discharged from the adult family home, and is entitled to any refund of funds under this section or RCW 70.129.150, the adult family home shall refund the funds to the resident or the resident's representative within thirty days of the resident leaving the adult family home, and may not require the resident to obtain the refund from the placement agency or person.

(8) If, during the stay of the resident, the status of the adult family home licensee or ownership is changed or transferred to another, any funds in the resident's accounts affected by the change or transfer shall simultaneously be deposited in an equivalent account or accounts by the successor or new licensee or owner, who shall promptly notify the resident or the resident's representative in writing of the name, address, and location of the new depository.

(9) Because it is a matter of great public importance to protect residents who need long-term care from deceptive disclosures and unfair retention of deposits, fees, or prepaid charges by adult family homes, a violation of this section or RCW 70.129.150 shall be construed for purposes of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or an unfair method of competition in the conduct of trade or commerce. The resident's claim to any funds paid under this section shall be prior to that of any creditor of the adult family home, its owner, or licensee, even if such funds are commingled"

On page 22, line 4, after "502." insert "(1)"

On page 22, after line 16, insert the following:

"(2) The department shall convene a quality assurance panel to review problems in the quality of care in adult family homes and to reduce incidents of abuse, neglect, abandonment, and financial exploitation. The state's long-term care ombudsman shall chair the panel and identify appropriate stakeholders to participate. The panel must consider inspection, investigation, public complaint, and enforcement issues that relate to adult family homes. The panel must also focus on oversight issues to address de minimus violations, processes for handling unresolved citations, and better ways to oversee new providers. The panel shall meet at least quarterly, and provide a report with recommendations to the governor's office, the senate health and long-term care committee, and the house of representatives health and wellness committee by December 1, 2012."

On page 22, beginning on line 17, strike all of section 503

Correct any internal references accordingly.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (705) 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.

Representative Cody spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1277.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1277, and the bill passed the House by the following vote: Yeas, 50; Nays, 45; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Moeller, Morris, Moscoso, Ormsby, Orwall, Pettigrew, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Overstreet, Parker, Pearson, Probst, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Excused: Representatives Hurst, Kagi and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1981, by Representatives Bailey and Carlyle

#### Addressing public employee postretirement employment and higher education employees' annuities and retirement income plans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1981 was substituted for House Bill No. 1981 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1981 was read the second time.

Representative Bailey moved the adoption of amendment (719).

On page 3, line 4, after "persons" strike "who are employed by a higher education institution and"

On page 3, line 9, after "persons" strike "who are employed by a higher education institution and"

On page 4, line 18, after "means" strike "institutional"

On page 4, line 20, after "divisions" strike "who hold concurrent faculty appointment with rank" and insert "who either hold concurrent faculty appointment with rank, or are employed by the state board for community and technical colleges or the higher education coordinating board"

On page 8, line 5, after "salary." insert "The state board for community and technical colleges and the higher education coordinating board are exempt from the provisions of this subsection (2)."

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

Amendment (719) 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 Bailey and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1981.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1981, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Appleton, Armstrong, Asay, Bailey, Billig, Blake, Buys, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dahlquist, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Fagan, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hargrove, Harris, Hasegawa, Hinkle, Hope, Hudgins, Hunter, Jinkins, Johnson, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Ladenburg, Lias, Lytton, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nealey, Orcutt, Ormsby, Orwall, Overstreet, Parker, Pearson, Pettigrew, Probst, Rivers, Roberts, Rodne, Rolfes, Ross, Ryu, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Stanford, Sullivan, Takko, Taylor, Tharinger, Upthegrove, Van De Wege, Walsh, Warnick, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Hunt, Moscoso, Reykdal and Sells.

Excused: Representatives Hurst, Kagi and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1371, by Representatives Darneille and Hunt

#### Addressing boards and commissions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1371 was substituted for House Bill No. 1371 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1371 was read the second time.

Representative Taylor moved the adoption of amendment (708).

Beginning on page 69, after line 4, strike all material through page 73, line 37 and insert the following:

"Sec. 55. RCW 18.140.230 and 2005 c 339 s 19 are each amended to read as follows:

There is established the real estate appraiser commission of the state of Washington, consisting of seven members who shall act to give advice to the director.

(1) The seven commission members shall be appointed by the ~~((governor))~~ director in the following manner: For a term of six years each, with the exception of the first appointees who shall be the incumbent members of the predecessor real estate appraiser advisory committee to serve for the duration of their current terms, with all other subsequent appointees to be appointed for a six-year term.

(2) At least two of the commission members shall be selected from the area of the state east of the Cascade mountain range and at least two of the commission members shall be selected from the area of the state west of the Cascade mountain range. At least two members of the commission shall be certified general real estate appraisers, at least two members of the commission shall be certified residential real estate appraisers, and at least one member of the commission may be a licensed real estate appraiser, all pursuant to this chapter. No certified or licensed appraiser commission member shall be appointed who has not been certified and/or licensed pursuant to this chapter for less than ten years, except that this experience duration shall be not less than five years only for any commission member taking office before January 1, 2003. One member shall be an employee of a financial institution as defined in this chapter whose duties are concerned with real estate appraisal management and policy. One member shall be an individual engaged in mass appraisal whose duties are concerned with ad valorem appraisal management and policy and who is licensed or certified under this chapter. One member may be a member of the general public.

(3) The members of the commission annually shall elect their chairperson and vice chairperson to serve for a term of one calendar year. A majority of the members of said commission shall at all times constitute a quorum.

(4) Any vacancy on the commission shall be filled by appointment by the ~~((governor))~~ director for the unexpired term."

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

Representatives Taylor and Darneille spoke in favor of the adoption of the amendment.

Amendment (708) was adopted.

Representative Pedersen moved the adoption of amendment (711).

On page 76, beginning of line 19, strike all of subsection 8 and insert

"(8) The department of corrections must: (a) Serve as a sentencing clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (b) maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (c) annually publish an adult sentencing manual, a juvenile disposition manual, and statistical summaries of adult felony sentencing and juvenile disposition data."

On page 77, beginning on line 3, after "~~shall~~)" strike "administrative office of the courts" and insert "department of corrections"

On page 77, beginning on line 19, after "~~shall~~)" strike "administrative office of the courts" and insert "department of corrections"

On page 77, line 29, strike "administrative office of the courts" and insert "department of corrections"

On page 78, line 3, after "~~guidelines commission~~")" strike "administrative office of the courts" and insert "department of corrections"

On page 78, line 5, after "~~have~~")" strike "administrative office of the courts" and insert "department of corrections"

On page 78, beginning on line 9, after "~~commission~~")" strike "administrative office of the courts" and insert "department of corrections"

On page 80, line 2, strike "administrative office of the courts" and insert "department of corrections"

On page 80, beginning on line 11, after "~~RCW 9.94A.850~~")" strike "administrative office of the courts" and insert "department of corrections"

On page 82, line 3, after "~~shall~~")" strike "administrative office of the courts" and insert "department of corrections"

On page 82, line 8, after "~~the~~" strike all material through "and" and insert "~~courts, the department of corrections, and~~")"

On page 82, line 12, strike "administrative office of the courts" and insert "department of corrections"

On page 83, beginning on line 4, after "~~shall~~")" strike "administrative office of the courts" and insert "department of corrections"

On page 84, beginning on line 9 strike all of section 68

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

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (711) was not adopted.

Representative Darneille moved the adoption of amendment (703).

On page 93, after line 6, insert the following:

"**NEW SECTION. Sec. 72.** The following acts or parts of acts are each repealed:

(1) RCW 43.131.411 (Sex offender policy board--Termination) and 2008 c 249 s 9; and

(2) RCW 43.131.412 (Sex offender policy board--Repeal) and 2008 c 249 s 10."

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

Correct the title.

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

Amendment (703) was adopted.

Representative Darneille moved the adoption of amendment (699).

On page 99, beginning on line 10, strike all material through page 107, line 21

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

Correct the title.

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

Amendment (699) 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 Darneille and Hunt spoke in favor of the passage of the bill.

Representatives Miloscia, Alexander and Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1371.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1371, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jinkins, Kelley, Kenney, Kirby, Ladenburg, Liias, Lytton, Maxwell, McCoy, Moeller, Morris, Moscoso, Ormsby, Orwall, Pettigrew, Probst, Reykdal, Roberts, Rodne, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Warnick, Wylie and Mr. Speaker.

Voting nay: Representatives Ahern, Alexander, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta, Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Hargrove, Harris, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Wilcox and Zeiger.

Excused: Representatives Hurst, Kagi and Pedersen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1371, having received the necessary constitutional majority, was declared passed.

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

## INTRODUCTION & FIRST READING

**HB 2108** by Representatives Condotta, Kristiansen, Warnick, Shea, Taylor, Fagan, Overstreet, Smith, Rodne, Bailey, Ross, Orcutt, Short, Chandler, Wilcox, Nealey, Ahern, Harris, Angel, Dahlquist, McCune, Hope, Asay, Haler, DeBolt, Buys, Parker, Johnson, Schmick, Pearson, Alexander, Kretz, Anderson, Rivers, Klippert, Hargrove, Armstrong, Dammeier, Zeiger, Hinkle and Walsh

AN ACT Relating to workers' compensation reform through authorization of voluntary settlements and creation of a return-to-work subsidy program; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.04 RCW; and creating new sections.

Referred to Committee on Labor & Workforce Development.

HB 2109 by Representatives Eddy, Condotta, Morris, Shea, Hurst, Taylor, Takko, Fagan, Seaquist, Warnick, Kelley, Kristiansen, Clibborn, Smith, Finn, Wilcox, Haigh, Chandler and Rodne

AN ACT Relating to workers' compensation reform through authorization of voluntary settlements and creation of a return-to-work subsidy program; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.04 RCW; and creating new sections.

Referred to Committee on Labor & Workforce Development.

### MOTION

Representative Ross moved to suspend the rules and advance HOUSE BILL NO. 2109 to second reading.

Representative Sullivan spoke against the motion.

An electronic roll call was demanded and the demand was sustained.

### ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Bill No. 2109 to second reading and the motion failed by the following vote: Yeas, 43; Nays, 52; Absent, 0; Excused, 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Angel, Armstrong, Asay, Bailey, Buys, Chandler, Condotta,

Crouse, Dahlquist, Dammeier, DeBolt, Fagan, Haler, Hargrove, Harris, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Overstreet, Parker, Pearson, Rivers, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick, Wilcox and Zeiger.

Voting nay: Representatives Appleton, Billig, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Finn, Fitzgibbon, Frockt, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jinkins, Kelley, Kenney, Kirby, Ladenburg, Lias, Lytton, Maxwell, McCoy, Miloscia, Moeller, Moscoso, Ormsby, Orwall, Pettigrew, Probst, Reykdal, Roberts, Rolfes, Ryu, Santos, Seaquist, Sells, Springer, Stanford, Sullivan, Takko, Tharinger, Upthegrove, Van De Wege, Wylie and Mr. Speaker.

Excused: Representatives Hurst, Kagi and Pedersen.

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 eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., May 5, 2011, the 10th Day of the 1<sup>st</sup> Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

|                                  |   |
|----------------------------------|---|
| 1277-S                           |   |
| Second Reading.....              | 4 |
| Amendment Offered.....           | 4 |
| Third Reading Final Passage..... | 5 |
| Other Action.....                | 4 |
| 1371                             |   |
| Second Reading.....              | 5 |
| 1371-S2                          |   |
| Second Reading.....              | 5 |
| Amendment Offered.....           | 5 |
| Third Reading Final Passage..... | 7 |
| 1632-S                           |   |
| Second Reading.....              | 1 |
| Third Reading Final Passage..... | 1 |
| 1738-S                           |   |
| Other Action.....                | 1 |
| 1738-S2                          |   |
| Second Reading.....              | 2 |
| Amendment Offered.....           | 2 |
| Third Reading Final Passage..... | 3 |
| 1815-S                           |   |
| Third Reading.....               | 3 |
| Third Reading Final Passage..... | 3 |
| 1965                             |   |
| Other Action.....                | 3 |
| 1965-S2                          |   |
| Second Reading.....              | 3 |
| Amendment Offered.....           | 3 |
| Third Reading Final Passage..... | 4 |
| 1981                             |   |
| Second Reading.....              | 5 |
| 1981-S                           |   |
| Second Reading.....              | 5 |
| Amendment Offered.....           | 5 |
| Third Reading Final Passage..... | 5 |
| 2070                             |   |
| Second Reading.....              | 1 |
| Third Reading Final Passage..... | 1 |
| 2108                             |   |
| Introduction & 1st Reading.....  | 7 |
| 2109                             |   |
| Introduction & 1st Reading.....  | 7 |
| Other Action.....                | 7 |