



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
**Supplement No. 44\***

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FIFTY-EIGHTH LEGISLATURE

Friday, March 14, 2003

61st Day - 2003 Regular

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**SENATE**

SB 5106  
SB 5142-S  
SB 5536-S  
SB 5586-S  
SB 5953

**HOUSE**

HB 1151-S  
HB 1656-S  
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HB 2043-S  
HB 2219

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## LIST OF BILLS IN DIGEST SUPPLEMENTS

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**SENATE**

**HOUSE**

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**House Bills**

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**HB 1151-S** by House Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, Simpson and Upthegrove)

Regulating the keeping of dangerous wild animals.

(AS OF HOUSE 2ND READING 3/12/03)

Provides that a person may not own, possess, keep, harbor, bring into the state, or have custody or control of a dangerous or potentially dangerous wild animal unless that person holds a personal possession permit for that animal issued by an animal control authority.

Provides that, for each dangerous or potentially dangerous wild animal, the possessor shall comply with the American zoo and aquarium association's minimum husbandry guidelines of 1997 for care and maintenance of that animal.

Provides that a dangerous or potentially dangerous wild animal must not be tethered, leashed, or chained outdoors, or allowed to run at large.

Declares that a dangerous or potentially dangerous wild animal must not be mistreated, neglected, abandoned, or deprived of necessary food, water, and sustenance, as defined under chapter 16.52 RCW.

Requires a person transporting a dangerous or potentially dangerous wild animal in a vehicle to keep the animal securely caged in the vehicle at all times.

Requires the possessor to contact the animal control authority if the possessor can no longer care for the dangerous or potentially dangerous wild animal.

Requires a possessor of a lion, tiger, cougar, panther, jaguar, cheetah, leopard, bear, chimpanzee, or gorilla to maintain liability insurance coverage in an amount of not less than one hundred thousand dollars for each occurrence for liability damages for destruction of or substantial damage to property and death or bodily injury to a person caused by the animal. The possessor shall provide a copy of the policy for liability insurance to the animal control authority on an annual basis.

Provides that the possessor of a dangerous or potentially dangerous wild animal, when provided with reasonable notice, shall allow the animal control authority, its staff, and its agents to enter the premises where the animal is kept once per year to ensure compliance with this act. No notice is required if the animal control authority has probable cause to believe that the animal is being kept in violation of this act.

Provides that a dangerous or potentially dangerous wild animal that physically attacks, severely injures, or kills a person or domestic animal is subject to immediate confiscation by the animal control authority. Upon conviction of the possessor, the animal control authority may relocate or euthanize the animal in accordance with this act.

Designates penalties for violations of the act.

Provides that a city or county may adopt an ordinance governing dangerous wild animals that is more restrictive than this act.

**-- 2003 REGULAR SESSION --**

Feb 25 JUDI - Majority; 1st substitute bill be substituted, do pass.

Feb 28 Passed to Rules Committee for second reading.

Mar 10 Made eligible to be placed on second reading.

Mar 11 Placed on second reading by Rules Committee.

Mar 12 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 60; nays, 34; absent, 4.

**HB 1656-S** by House Committee on Finance (originally sponsored by Representatives Ruderman, Nixon, McIntire and Cairnes)

Modifying fees for locating unclaimed property.

(AS OF HOUSE 2ND READING 3/11/03)

Declares that it is unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating or purporting to locate any property which he or she knows has been reported or paid or delivered to the department of revenue pursuant to this chapter in excess of: (1) Five percent of the property's value during the twenty-four month period beginning when the property is paid or delivered to the department; or

(2) Twenty percent of the property's value for the period beginning twenty-four months after the property is paid or delivered to the department.

Declares an intent to encourage private sector involvement in locating persons with an ownership interest in property paid or delivered to the department under chapter 63.29 RCW. The department is authorized to make data available for this purpose consistent with the requirements of the public disclosure act, chapter 42.17 RCW, and RCW 63.29.380.

**-- 2003 REGULAR SESSION --**

Feb 28 FIN - Majority; 1st substitute bill be substituted, do pass.

Mar 4 Passed to Rules Committee for second reading.

Mar 7 Made eligible to be placed on second reading.

Mar 10 Placed on second reading by Rules Committee.

Mar 11 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 88; nays, 5; absent, 5.

**- IN THE SENATE -**

Mar 13 First reading, referred to Financial Services, Insurance & Housing.

**HB 1742-S** by House Committee on Trade & Economic Development (originally sponsored by Representatives Rockefeller, Eickmeyer, McIntire, Lantz, Woods and Haigh)

Modifying public facilities district authority.

(AS OF HOUSE 2ND READING 3/11/03)

Provides that, for districts formed after January 1, 2000, regional centers include sports and recreation facilities, other than ski areas, entertainment facilities, or

convention facilities.

Provides that the governing body of a public facilities district created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004, or with regard to a public facilities district located in a county with a population over one hundred fifty thousand that is contiguous to an international boundary, that commences such construction before January 1, 2005, may impose a sales and use tax in accordance with the terms of chapter 82.14 RCW.

Provides that the governing body of a public facilities district created after July 1, 2003, but before June 30, 2005, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2006, may impose a sales and use tax in accordance with the terms of chapter 82.14 RCW.

**-- 2003 REGULAR SESSION --**

- Feb 21 TED - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.
- Feb 26 Passed to Rules Committee for second reading.  
Placed on second reading by Rules Committee.
- Mar 11 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 91; nays, 2; absent, 5.

**- IN THE SENATE -**

- Mar 13 First reading, referred to Economic Development.

**HB 2043-S** by House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell and Carrell)

Changing provisions relating to dangerous dogs.

(AS OF HOUSE 2ND READING 3/12/03)

Declares that the breed of a dog shall not be a determining factor when declaring a dog potentially dangerous or dangerous.

Provides that a dog may not be considered potentially dangerous or dangerous if the dog's threatening behavior or infliction of injury or damage was sustained by a person who, at the time, was: (1) Committing a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) Tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or

(3) Committing or attempting to commit a crime.

Declares that "dog" includes wolf-dog hybrids.

Provides that, unless a city or county has a more restrictive code requirement, the animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of a surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least one hundred thousand dollars, payable to any person

injured by the dangerous dog, or a policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least one hundred thousand dollars, insuring the owner for any personal injuries inflicted by the dangerous dog.

**-- 2003 REGULAR SESSION --**

- Mar 3 JUDI - Majority; 1st substitute bill be substituted, do pass.
- Mar 4 Passed to Rules Committee for second reading.
- Mar 7 Made eligible to be placed on second reading.
- Mar 10 Placed on second reading by Rules Committee.
- Mar 12 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 95; nays, 0; absent, 3.

**HB 2219** by Representatives Sullivan and Chase

Preventing animal cruelty.

Declares that a person commits the crime of sexual assault of an animal if the person: (1) Touches or contacts, or causes an object or another person to touch or contact, the mouth, anus, or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of a person; or

(2) Causes an animal to touch or contact the mouth, anus, or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.

Declares that sexual assault of an animal is a gross misdemeanor.

Provides that, upon the conviction of a defendant for a violation of this act, the court, in addition to any other sentence imposed, shall order the defendant to undergo a psychiatric or psychological evaluation and, if warranted by the mental condition of the defendant, undergo appropriate care or treatment. The defendant shall bear the costs of the evaluation and treatment.

**-- 2003 REGULAR SESSION --**

- Mar 13 First reading, referred to Judiciary.

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**Senate Bills**

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**SB 5106** by Senators Hewitt, Hale, T. Sheldon, Doumit, Sheahan, Rasmussen, Morton, Mulliken, Honeyford, Deccio and Parlette

Concerning the annual consumptive quantity of a water right.

(AS OF SENATE 2ND READING 3/11/03)

Declares that the annual consumptive quantity of a water right may not be deemed to be less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of change or transfer, if: (1) The reduced use is due to cropping patterns or system efficiencies; (2) the water right holder intends to fully exercise the right; and (3) the water right holder has the facilities in place to make beneficial use of the full right.

Declares that the right to use water for any beneficial use within the general category of an agricultural use includes the right to use the water, without applying to the department or any other governmental entity for approval, for any other beneficial use within the general category of an agricultural use. The general category of an agricultural use of water includes, but is not limited to, the beneficial use of water for stock watering, agricultural irrigation, agricultural frost control, processing agricultural commodities into agricultural products, and other agricultural uses.

**-- 2003 REGULAR SESSION --**

- Jan 15 First reading, referred to Natural Resources, Energy & Water.
- Feb 17 NR - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass. Passed to Rules Committee for second reading.
- Feb 21 Made eligible to be placed on second reading.
- Feb 28 Placed on second reading by Rules Committee.
- Mar 11 1st substitute bill not substituted. Substitute Bill ruled beyond scope and object of the bill. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 30; nays, 19; absent, 0.

**- IN THE HOUSE -**

- Mar 13 First reading, referred to Agriculture & Natural Resources.

**SB 5142-S** by Senate Committee on Education (originally sponsored by Senators Carlson, Eide, Schmidt, Johnson, B. Sheldon, Shin, Kohl-Welles, Rasmussen and Esser)

Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned.

(AS OF SENATE 2ND READING 3/11/03)

Provides that, except for students who reside out-of-state, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll: (1) At the school to which the employee is assigned; or

(2) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned.

Authorizes a district to reject applications under this act if: (1) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(2) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this provision must apply uniformly to both resident and nonresident applicants; or

(3) Enrollment of a child under this act would displace a child who is a resident of the district, except that if a child is admitted under this act, that child shall be permitted to remain enrolled at that school, or in that district's

kindergarten through twelfth grade continuum, until he or she has completed his or her schooling.

**-- 2003 REGULAR SESSION --**

- Feb 20 EDU - Majority; 1st substitute bill be substituted, do pass. Passed to Rules Committee for second reading.
- Feb 21 Made eligible to be placed on second reading.
- Feb 28 Placed on second reading by Rules Committee.
- Mar 11 1st substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 41; nays, 8; absent, 0.

**- IN THE HOUSE -**

- Mar 13 First reading, referred to Education.

**SB 5536-S** by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser)

Resolving claims relating to condominium construction.

(AS OF SENATE 2ND READING 3/11/03)

Finds, declares, and determines that: (1) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(2) One of the growth management act's planning goals is to encourage the availability of affordable housing for all residents of the state and promote a variety of housing types;

(3) Condominium construction needs to be encouraged to achieve growth management act mandated urban densities and ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices;

(4) Ambiguity in the condominium act, particularly relating to implied warranties of quality, has led to legal actions and threats of legal action that allege minor or immaterial defects and deviations in construction that have no effect on the structure, safety, or marketability of condominiums;

(5) The result of these legal challenges is that many home builders cannot obtain insurance to build condominiums and as further result condominium construction is declining thereby reducing rather than expanding home ownership opportunities for the residents of Washington state; and

(6) Legislative action is needed to encourage residential condominium construction.

Declares an intent that this act improve and clarify procedures for resolving claims relating to condominium construction and ensure that both a broad range of homeownership opportunities continue to be available to the residents of the state and that cities and counties can achieve density mandates of the growth management act.

Declares an intent that this act eliminate litigation over minor defects and deviations that have no material effect on the use of a condominium for its intended purpose.

**-- 2003 REGULAR SESSION --**

Feb 20 JUD - Majority; 1st substitute bill be substituted, do pass.  
 Feb 21 Passed to Rules Committee for second reading.  
 Feb 28 Placed on second reading by Rules Committee.  
 Mar 11 1st substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 41; nays, 8; absent, 0.

**- IN THE HOUSE -**

Mar 13 First reading, referred to Judiciary.

**SB 5586-S** by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Hewitt, Carlson, Oke, Fraser, Regala, Keiser and Kline)

Granting authority to address concerns with lead-based paint activities.

(AS OF SENATE 2ND READING 3/11/03)

Declares that, for the welfare of the people of the state of Washington, this act establishes a lead-based paint activities program within the department of community, trade, and economic development to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified work force to identify and address lead-based paint hazards.

Requires the department to administer and enforce a state program for worker training and certification, and training program accreditation, which shall include those program elements necessary to assume responsibility for federal requirements for a program as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550).

Requires the department to establish a program for certification of persons involved in lead-based paint activities and for accreditation of training providers in compliance with federal laws and rules.

Requires the department to collect a fee in the amount of twenty-five dollars for certification and recertification of lead paint firms, inspectors, project developers, risk assessors, supervisors, and abatement workers.

Requires the department to collect a fee in the amount of two hundred dollars for the accreditation of lead paint training programs.

Authorizes the director or the director's designee to inspect at reasonable times and, when feasible, with at least twenty-four hours prior notification: (1) Premises or facilities where those engaged in training for lead-based paint activities conduct business; and

(2) The business records of, and take samples at, the businesses accredited or certified under this chapter to conduct lead-based paint training or activities.

Designates the department as the official agency of this state for purposes of cooperating with, and implementing the state lead-based paint activities program under the jurisdiction of the United States environmental protection agency.

Declares that the department's duties under this act are subject to the availability of sufficient funding from the

federal government for this purpose. The director or his or her designee shall seek funding of the department's efforts under this act from the federal government. By October 15th of each year, the director shall determine if sufficient federal funding has been provided or guaranteed by the federal government. If the director determines sufficient funding has not been provided, the department shall cease efforts under this act due to the lack of federal funding.

**-- 2003 REGULAR SESSION --**

Feb 24 NR - Majority; 1st substitute bill be substituted, do pass.  
 Passed to Rules Committee for second reading.  
 Feb 28 Made eligible to be placed on second reading.  
 Mar 7 Placed on second reading by Rules Committee.  
 Mar 11 1st substitute bill substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 44; nays, 5; absent, 0.

**- IN THE HOUSE -**

Mar 13 First reading, referred to Fisheries, Ecology & Parks.

**SB 5953** by Senators Finkbeiner, Esser, Horn, Stevens, Rossi and Honeyford

Penalizing disruption of traffic by pedestrians.

(AS OF SENATE 2ND READING 3/12/03)

Provides that a pedestrian may not unlawfully and intentionally impede, or otherwise disrupt, the flow of traffic on a highway that has been designated, in whole or in part, as a highway of statewide significance.

Makes a violation of this act a gross misdemeanor punishable under RCW 9A.20.021.

Declares that nothing in this act prohibits the filing, at any time, of a cause of action for damages resulting from the disruption of traffic caused by a pedestrian or pedestrians.

Provides that, in addition to any other costs that may be imposed by the court, the court shall require a defendant to reimburse the actual costs incurred by a law enforcement agency or emergency personnel, as a result of responding to the traffic disruption prohibited under this act.

**-- 2003 REGULAR SESSION --**

Feb 24 First reading, referred to Highways & Transportation.  
 Mar 7 HT - Majority; 1st substitute bill be substituted, do pass.  
 Minority; do not pass.  
 Mar 10 Passed to Rules Committee for second reading.  
 Mar 11 Placed on second reading by Rules Committee.  
 Mar 12 1st substitute bill not substituted.  
 Floor amendment(s) adopted.  
 Rules suspended. Placed on Third Reading.  
 Third reading, passed: yeas, 27; nays, 22; absent, 0.