

HOUSE BILL REPORT

SHB 1831

As Passed House:

March 3, 2009

Title: An act relating to the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town.

Brief Description: Concerning the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town.

Sponsors: House Committee on Local Government & Housing (originally sponsored by Representatives Short, Williams, Johnson, Campbell, Blake, Warnick, McCune, Kretz and Kristiansen).

Brief History:

Committee Activity:

Local Government & Housing: 2/11/09, 2/19/09 [DPS].

Floor Activity

Passed House: 3/3/09, 96-1.

Brief Summary of Substitute Bill

- Entitles residents of rural counties subject to annexation by a city or town to retain possession of pets and livestock lawfully owned at the time of the annexation even if the annexing city has ordinances prohibiting the possession of such animals.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Thamas Osborn (786-7129)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Possession of Potentially Dangerous Wild Animals.

In 2007 legislation was passed prohibiting the possession of specified types and classes of animals that are deemed to be "potentially dangerous wild animals." Such animals include rhinoceroses, crocodiles, bears, wolves, poisonous snakes, etc. State law allows an exemption for those persons who were in legal possession of such animals prior to July 22, 2007. Counties and cities are authorized to adopt ordinances governing the possession of potentially dangerous wild animals that are more restrictive than state law.

Municipal Regulation of Pets and Livestock.

State law gives counties, cities, and towns discretionary authority to pass local ordinances regulating the ownership and possession of pets and livestock. Some cities and towns, for example, regulate the number of dogs and/or cats that may live in a single residence and prohibit the possession of livestock within urban areas. The regulation of livestock ownership varies and is generally structured so as to be more restrictive in urban areas than in rural areas. State law does not require municipalities to regulate pet or livestock ownership.

Summary of Substitute Bill:

Residents of rural counties subject to annexation by a city are entitled to retain possession of pets and livestock lawfully owned at the time of the annexation even if the annexing city has ordinances prohibiting the possession of such animals. However, the continued lawful possession of such animals must be consistent with the following requirements:

- the possession of the pet or livestock was lawful under applicable county ordinances at the time of the annexation;
- subsequent to annexation the possession of the pet or livestock continues to be in compliance with the applicable county ordinances in place at the time of annexation; and
- the possession of the animal(s) does not violate the general prohibition against possession of potentially dangerous wild animals as set forth in state law.

In addition, the right to the possession of livestock within the annexed area continues for as long as the original property owner or his or her immediate family members retain ownership of the property. If the property owner is a business entity, the right to retain possession of livestock continues for as long as the property remains under the ownership of the same entity.

"Rural county" is defined to mean a county with a population of fewer than 100 persons per square mile as determined by the Office of Financial Management.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill would enable the residents of annexed areas to retain possession of pets and livestock after annexation. It would merely maintain the status quo in the annexed area and would not legalize the possession of animals that were previously prohibited. The bill does not authorize the possession of dangerous animals or animal breeding facilities.

(Opposed) This bill is both unnecessary and too broad. Annexations can be done in accordance with provisions in ordinance or by agreement allowing residents of the annexed areas to retain possession of domestic animals that would otherwise be illegal in the annexing jurisdiction.

Persons Testifying: (In support) Representative Short, prime sponsor.

(Opposed) Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.