

HOUSE BILL REPORT

HB 2807

As Reported By House Committee On:

Natural Resources

Title: An act relating to protecting citizens from dangerous wildlife.

Brief Description: Allowing the department of fish and wildlife to identify nonnative wildlife species that are dangerous to people, and prohibit bringing or keeping those animals in this state.

Sponsors: Representatives Pennington, Alexander and Mielke.

Brief History:

Committee Activity:

Natural Resources: 2/4/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Hatfield and Pennington.

Staff: Linda Byers (786-7129).

Background: Current law authorizes the Secretary of Health and the state Board of Health to take certain actions to control the sale, importation, movement, transfer, or possession of animals when doing so is necessary to protect public health and welfare. The director of the Department of Agriculture may take certain actions to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting domestic animals in the state. In addition, local governments have general authority regarding land use and public safety. Currently state law does not provide for any minimum requirements for people who keep nonindigenous animals such as lions and tigers, as pets.

Summary of Substitute Bill: The Department of Health, working in close consultation with the departments of Fish and Wildlife and Agriculture, must establish a set of guidelines for the proper keeping as pets of lions, tigers, and other cat species not meeting the statutory definition of "wildlife", and expressly excluding domestic cats. The guidelines must be directed toward assuring the health, welfare, and safety of the

animals and the surrounding community. The guidelines shall be no more restrictive on pet owners than is reasonably necessary to accomplish this purpose. The guidelines must include appropriate standards for indoor and outdoor facilities, caging, security, and transport. In developing the guidelines, the department must solicit input from zoos, animal rehabilitation facilities, animal control associations, private organizations with expertise on these cat species, and veterinarians with expertise in caring for these cat species. Current pet owners of these cat species may also submit information to the department. The department must complete the guidelines by December 1, 1998, and must publish notice in the State Register that the guidelines have been established and are available from the department. The department may also maintain a list of contact people who offer useful information to people who keep or are contemplating keeping one of these cat species as a pet.

City, town, and county legislative authorities may prohibit by ordinance the keeping of these cat species as pets. If the local legislative authority chooses to allow people to keep these cat species as pets, the local legislative authority must adopt an ordinance authorizing these animals to be kept as pets, and the ordinance must be at least as strict as the Department of Health guidelines. Nothing precludes a local legislative authority from adopting requirements that are more strict than the department guidelines.

If, prior to the publication of the department guidelines, a local legislative authority has adopted an ordinance that regulates the keeping of these cat species as pets, then a person who is keeping one of these animals as a pet in accordance with the pre-existing ordinance may continue to be regulated according to the preexisting ordinance. This remains the case only so long as that animal remains in the same location.

A person who keeps one of these cat species as a pet is liable for damages incurred by a person, local government, or state agency resulting from the escape from custody of the animal. Damages include any court costs and reasonable attorneys' fees. The person is also liable for costs incurred by local enforcement agents dealing with abandonment and relocation of these animals.

Substitute Bill Compared to Original Bill: The original bill allowed the Department of Fish and Wildlife to identify by rule nonnative wildlife species that pose a physical threat to the safety of citizens. It would then be unlawful for a person to bring into or keep in the state animals so identified, with some exceptions. Tigers and nonnative cat species of a certain weight are declared to pose such a threat. The substitute bill directs the Department of Health to establish a set of guidelines for keeping nonindigenous cat species as pets. If a local government legislative authority chooses to allow people to keep these animals as pets, the local legislative authority must adopt an ordinance that is at least as strict as the Department of Health guidelines.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Even with strong private property interests, one has to draw the line. A person from Oregon wants to bring a Siberian tiger into Clark County as a pet. The intent here is to establish reasonable guidelines to insure the safety of citizens in the state. People are concerned about the safety of their families. Some people provide a valuable service by keeping these animals, but others do not. People often call the three state agencies (Health, Agriculture, Fish and Wildlife) assuming that there are regulations in place to protect them from these animals. Many professional organizations do not sanction the keeping of these animals as pets. Animal control officers have difficulties in taking custody of these animals in abuse cases or when the animals are abandoned. Like parents, many pet owners are responsible, but some are not. All Clark County requires is a permit and a fee. There aren't state or local regulations covering tigers. What level of expertise should be required to have a tiger? What if it escapes? It is dangerous to keep these kinds of animals as pets. The bill will help address some of these problems. The zoos would be happy to assist with the guidelines.

Testimony Against: There is concern about the provision requiring counties to adopt an ordinance to allow people to keep these animals. Counties already have authority to regulate these animals, and some do. The jurisdiction should remain at that local level; don't create more big government regulation. There are clubs that can provide information to owners to make them aware of the responsibilities involved for these animals. You should not have to ask or require a county to adopt an ordinance. The product from the state agency should be mandatory rules instead of guidelines. People will have a hard time with a patchwork of different county regulations. The bill doesn't provide funding for the state agency. An insurance policy should be required, as should provisions about breeding.

Testified: Representative John Pennington, prime sponsor; Debi Bidelman (both in favor); Kathy Connell, Department of Agriculture and Steve Dauma, Department of Fish and Wildlife (both in favor, jointly offering amendments); Tim Jennings, Washington Animal Control Association; Mary Yeager, the PAWS Wildlife Center; Will Anderson, PAWS (all in favor, all offering amendments); Steve Johnson, Long Island Ocelot Club; Terrie Kaufman (both opposed); and Robin Appleford, Woodland Park Zoological Society (with comments).