

SENATE BILL REPORT

SHB 1831

As of March 10, 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: Passed House: 3/03/09, 96-1.

Committee Activity: Government Operations & Elections:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: 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.

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 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:

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- 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 the owner's 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.

Committee/Commission/Task Force Created: No.

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