

## Sample Letter with Bullet points Opposing TX 'Wild Dangerous Animal' bills in 2011

Texas House of Representatives  
House Committee of Culture, Recreation & Tourism  
Austin, Texas 78711

Rep. Ryan Guillen (Chair) [Ryan.Guillen@house.state.tx.us](mailto:Ryan.Guillen@house.state.tx.us);

Rep. Gary Elkins (Vice Chair) [Gary.Elkins@house.state.tx.us](mailto:Gary.Elkins@house.state.tx.us);

Rep. Joe Deshotel [Joe.Deshotel@house.state.tx.us](mailto:Joe.Deshotel@house.state.tx.us);

Rep. Dawanna Dukes [Dawanna.Dukes@house.state.tx.us](mailto:Dawanna.Dukes@house.state.tx.us);

Rep. Tracy O. King [Tracy.King@house.state.tx.us](mailto:Tracy.King@house.state.tx.us);

Rep. John Kuempel [John.Kuempel@house.state.tx.us](mailto:John.Kuempel@house.state.tx.us);

Rep. Lyle Larson [Lyle.Larson@house.state.tx.us](mailto:Lyle.Larson@house.state.tx.us);

Rep. Walter "Four" Price [Four.Price@house.state.tx.us](mailto:Four.Price@house.state.tx.us);

Rep. Todd Smith [Todd.Smith@house.state.tx.us](mailto:Todd.Smith@house.state.tx.us)

February 23, 2011

Dear Honorable Committee Representatives

I would urge you to vote **NO** on HB 251 authored and filed by Rep. Hilderbrand on Feb. 18, 2011, and HB 1546 authored and filed by Lyle Larson on Feb. 21, 2011.

### ***HB 251***

As it is, Sec. 821 and Sec. 822 of the Health and Safety Code contain provisions that are unconstitutional, void of due process, and conflicting with other statutes -including Government Code and Rules of Civil Procedure. The amendments proposed by this Bill would only serve to make it more confusing, more arbitrary, and more onerous.

As an example, this Bill proposes to eliminate Sec. 822.102(a)(5), removing the exemption for veterinarians, humane societies, animal shelters, and those who hold rehabilitation permits from the Department of Parks and Wildlife. As a result, all these people (including wild animal sanctuaries), if they own or harbor any "dangerous wild animals," as defined in Sec. 822.101, would be subject to registration requirements -the fee for which this Bill raises tenfold (\$50 raised to \$500)- even if the animal is only being cared for temporarily.

At the same time, it leaves intact the provisions of Sec. 822.102(a)(8), allowing any college or university to keep any number of “wild and dangerous” animals as mascots, with absolutely no restrictions.

Indeed, This Bill would also require a “wild and dangerous” animal to be kept five or more miles from any church, day care, or school. Yet apparently next-door to a hospital or nursing home is fine. Since a college is a school, this means that an owner must keep their animals five miles away from the very place that is allowed to have the same animals roaming free!

Should the application for registration be denied or revoked for whatever reason, this Bill proposes no hope of appeal or review. The denial or revocation is final. Then the animals may be seized and in all probability, destroyed.

Finally, the requirement for \$100,000 of liability insurance is replaced with wording that essentially gives the Commissioner carte blanche to set whatever level of insurance he wishes, and owners would have no choice but to purchase that amount, no matter how safe their facilities may be.

### **HB 1546**

The proposed Bill has one significant change to the original Dangerous Wild Animal Bill (HB 1362):

an organization that is an accredited member of the American Zoo and Aquarium Association, [the American Sanctuary Association, or the Global Federation of Animal Sanctuaries](#);

At this time, ASA and GFAS are non-profit sanctuary accreditation institutions which have a number of non-profit sanctuaries under their organization. In order for a sanctuary to be accredited, an application must be completed; an inspection of the applicant must be conducted by the accrediting institution; and/or a fee must be submitted and accepted by the accrediting organization. Today, joining ASA or GFAS is voluntary.

As HB 1362 stands, wild animal sanctuaries are not exempted from the Dangerous Wild Animal Bill unless it is an incorporated humane society, or animal shelter, or if a person holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code.

Unfortunately, when this Bill was written, it did not include 501(c)(3) tax-exempt non-profit animal sanctuaries, and therefore, many sanctuaries are currently operating illegally in the State of Texas. Rather than include non-profit animal sanctuaries as part of HB 1546's exemption list, the Bill states only ASA or GFAS approved sanctuaries may be exempted from the mandates set forth in this Bill. That means, *membership*

with ASA or GFAS will no longer be voluntary, but rather, mandatory in order to operate a non-profit 501 (c)(3) animal sanctuary in the state of Texas:

I am not aware of any law that mandates that a non-profit corporation must belong to or is accredited by another non-profit corporation.

Therefore, what remedy will the House put in place in the event that a:

- a. Non-profit animal sanctuary does not want to join ASA or GFAS, if made mandatory to join, either because the non-profit corporation does not want to be a part of a political animal organization (which may or may not represent their political views) or cannot afford the yearly membership or inspection fees;
- b. The sanctuary cannot meet the accreditation standards set forth by ASA or GFAS;
- c. An accreditation sanctuary fails to meet any additional standards imposed on the sanctuary by either ASA or GFAS at some future date;
- d. A sanctuary, that meets accreditation standards for both ASA and GFAS, but both accrediting organizations choose NOT to accredit the facility due to political or personal reasons;
- e. ASA or GFAS no longer want to accredit sanctuaries in the State of Texas; and/or
- f. New accreditation non-profit organization would like to compete against ASA and/or GFAS in Texas—would the House Bill be modified once again to include the new accredited organization?

If the issues raised above are not addressed in HB 1546, then many sanctuaries will be forced to operate illegally in Texas—once more. Therefore, what governmental body will be directly responsible for seizing and destroying exotic wild animals residing “illegally” in various wild animal sanctuaries throughout this State?

In Texas, there are over 300 USDA exhibitor licensed facilities alone, not including various non-USDA regulated animal sanctuaries (classified by the IRS as exempted non-profit 501(c)(3)) which currently care for thousands of displaced or abused exotic wild animals. These Bills’ unintentional outcomes would ultimately be the destruction of innocent animals (to include tigers, lions, cougars, bobcats, servals, caracals, bears, wolves, non-human primates, chimpanzees, etc.) and the possible elimination of jobs throughout our State.

These Bills are **not** good for Texas or its animals.

For these reasons outlined above, I again urge you to please, vote **NO** on HB 251 and HB 1546. Thank you.

Sincerely,

Your name, address, phone number, email, etc...

[www.REXANO.org](http://www.REXANO.org)