

SUBJECT: Abolishing state regulation of riding stables

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 4 ayes — Hardcastle, Miller, B. Brown, Swinford

0 nays

3 absent — Burnam, D. Jones, Laney

SENATE VOTE: On final passage, April 3 — 31-0

WITNESSES: For — None

Against — Ellis Gilleland, Texas Animals

BACKGROUND: The 71st Legislature created the Riding Stables Chapter of the Occupations Code in 1989 to promote humane conditions and treatment for horses in riding stables. The 77th Legislature in 2001 transferred regulation of riding stables from the Texas Department of Health (TDH) to the Texas Animal Health Commission (TAHC) and directed the Sunset Advisory Commission to report to the 78th Legislature on whether the riding stables chapter should be continued.

Occupations Code, Ch. 2053 defines a riding stable as an establishment that maintains one or more equine animals (horses and ponies) available for hire by the public for recreational riding or driving. It requires that the operator of a riding stable hold a certificate of registration, except for a youth camp regulated under state law and a riding stable operated under a concession contract in a national park located in Texas.

Riding stable standards. To receive a new or renewed riding stable certificate of registration, an applicant must pay to TAHC an application or renewal fee. Also, the applicant must provide a statement issued by a veterinarian verifying that the veterinarian inspected the riding stable and found:

- maintenance of sanitary conditions, including proper ventilation, at the facilities that keeps equine animals;
- humane care and treatment of the animals, including adequate nutrition and water; and
- exercise of reasonable care to protect the health of the animals and to prevent the spread of disease among them.

TAHC must establish and charge an application and renewal fee for the certificate of registration that is sufficient to fund the administration and enforcement of the registration program. The certificate of registration issued or renewed under the chapter is valid for two years from the date of issuance or renewal.

An applicant for registration or renewal of registration must meet standards established by the commission relating to:

- the humane care and treatment of equine animals;
- health and disease control affecting the animals; and
- control of the animals.

Enforcement. Ch. 2053 authorizes TAHC to adopt rules necessary to carry out this chapter. In addition, TAHC may enter a facility or other premises regulated under this chapter to determine if the facility complies with the standards established by TAHC. If the TAHC has reasonable grounds to believe that the standards have been violated, it may suspend or revoke a person's certificate of registration. Afterwards, TAHC may petition a justice of the peace for an order requiring a law enforcement officer to seize animals kept at the person's riding stable. This order can result only from a finding that a horse kept at the person's riding stable is in danger harm due to a gross violation of the TAHC standards.

Sec. 2053.035 authorizes TAHC to auction the animals seized from a person's riding stable after a hearing, unless the revocation is reversed on appeal before the date of the auction. Neither a person who has a certificate of registration revoked, nor the person's agent, may participate at auction. If TAHC is unable to sell an animal at an auction, it may:

- destroy the animal in a humane manner; or

- give the animal to a nonprofit animal shelter, pound, or society for the protection of animals.

A person commits a Class B misdemeanor if the person knowingly operates a riding stable in violation of Ch. 2053. A person commits a separate offense for each day the person engages in the prohibited conduct.

DIGEST:

SB 271 would abolish Occupations Code, Ch. 2053. It would dismiss any administrative, civil, or criminal proceeding under the chapter that was pending before the TAHC or a court on the effective date of the bill. Any unexpended and unobligated appropriations for the administrative of the chapter would lapse on the bill's effective date.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

SB 217 would end a regulation that has proven itself unnecessary according to Sunset Advisory Commission and staff. While TAHC registers approximately 97 riding stables, it has received just two complaints per year since it began enforcing the chapter in September 2001. It has not yet denied, suspended, or revoked a riding stable certification of registration. During the 12 years prior, when only 45 riding stables registered and TDH regulated them, TDH received only one related complaint per year. These figures evidence a clear lack of need for the Riding Stables Chapter. Also, the majority of riding stables registered currently are "training" stables housing valuable horses. These stables have an exceptional incentive to maintain high standards to protect the health and welfare of their investments.

Regulation of riding stables serves the same function as other laws and requires the unnecessary attention of state employees. In particular, state law already:

- criminalizes the abandonment, cruel confinement, and failure to provide food, care, or shelter for all animals, including horses; and
- authorizes courts and law enforcement officers to seize animals believed to have been treated cruelly.

City and county officials enforce these and other laws that apply to riding stables and horses. SB 217 would end the duplication of these laws by

repealing ch. 2053 so that TAHC could attend to more neglected tasks, like preventing the spread of animal disease.

SB 217 also would end an unusual regulation. Only two other states, Maryland and Michigan, maintain staffs to inspect and investigate complaints concerning riding stables. Similarly, few cities have passed ordinances for regulating riding stables. Instead, a large majority of jurisdictions rely on state and local laws that prohibit the abuse and neglect of animals, including horses in riding stables, to deter any harmful conduct. The bill would not prohibit a person from complaining to TAHC about a condition at a riding stable if they wanted to and the Texas Board of Veterinary Medical Examiners does not object to the bill.

**OPPONENTS
SAY:**

HB 271 would terminate an inexpensive and efficient program of registration and enforcement that has deterred abuse and neglect against horses as evidenced by the few number of complaints filed with TAHC or TDH against stables each year. Setting clear standards of care and ensuring periodic inspections helps ensure improved stable conditions. The lack of complaints to TAHC evidences the success of the program in deterring abuse and neglect, not the need for its abolition.

The bill would apply misplaced reasoning in terminating the program based on whether the public — not horses and ponies — would benefit from its cancellation. The conditions required for stable registration contemplate protection not of people, but of horses, so the number of complaints by people to TAHC is not relevant. As a result, the HB 271 wrongly would forsake the state's commitment to help ensure uniform horse health and welfare.

Without state regulation of riding stables, counties and municipalities would apply less efficient and piecemeal enforcement that would result in more violations of criminal law. Current regulation of riding stables is serving the purpose intended by the Legislature when it enacted ch. 2053.

TDH, which regulated riding stables before 2001, does not support abolishing the Riding Stables Chapter. In the agency's experience, it is not uncommon for stable owners to be ignorant of proper horse care, which can result in

unintentional neglect, overuse, or mistreatment of a horse. Ch. 2053 prevents

these unfortunate outcomes before the occur.

The positive fiscal impact of the bill would be negligible and does not support ending the riding stables program. The program essentially is self-funded, and TAHC would make up the \$5,000 difference between fee collections and expenses by adjusting the fee it charges to riding stable registrants, as authorized under the chapter.

NOTES:

The Legislative Budget Board estimates a net gain of \$5,213 a fiscal year based on the difference between the agency's actual expenditures of \$26,413 fiscal year for the program and the \$21,200 collected from fees.