

- SUBJECT:** Exempting wildlife sanctuaries from certain requirements
- COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended
- VOTE:** 7 ayes — Guillen, Elkins, Dukes, Kuempel, Larson, Price, T. Smith
1 nay — T. King
1 absent — Deshotel
- SENATE VOTE:** On final passage, April 21 — 30-1 (Fraser) on Local and Uncontested Calendar
- WITNESSES:** *(On House companion bill, HB 1546 :)*
For — Nicole Paquette, The Humane Society of the United States; Royce Poinsett, Friends of Animals; Daimon Steiner, Wildlife Rescue and Rehabilitation; Stephen Tello, Primarily Primates, Inc.; *(Registered, but did not testify:* Elizabeth Choate, Texas Veterinary Medical Association; Monica Hardy, Texas Humane Legislation Network; Gary Newton, Texas Disposal Systems; Robert Saunders, Texas Landfill Management; William Yarnell, Austin Zoo board member)

Against — (Registered, but did not testify: Ralph Aldis; Stephen Austin, Insync Exotics; Pamela Cox; Lori Hollender; Anthony Matone; Bruce Oehler; Michelle Smith; Lisa Sylvester; Amy Tuma, Hatari Safari)

On — Marcus Cook, Zoo Dynamics, Rexano Law Offices of Bryan Sample; Marida Favia del Core Borrromeo, Exotic Wildlife Association; Ricki Hart, Marcia Jowers, William Jowers, Eddie Keahey, Vicky Keahey, In-Sync Exotic Wildlife Rescue and Educational Center; Gary Holliman, Pride Rock Wildlife Refuge; Tammy Thomson; Terri Werner, Tiger Creek Wildlife Refuge; *(Registered, but did not testify:* Vic Hariton; Robert Henneke, Kerr County Attorney; Michael Hicks, Zoological Association of America (ZAA))
- BACKGROUND:** Health and Safety Code, ch. 822, subch. E regulates the ownership of wild animals, including lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, bobcats, lynxes, servals, caracals, hyenas, bears, coyotes, jackals,

baboons, chimpanzees, orangutans, gorillas, or any hybrid of these animals.

Health and Safety Code, sec. 822.103 prohibits people from owning, harboring, or having custody or control of a dangerous wild animal unless they hold a certificate of registration from a municipal or county animal control office and meet other requirements.

Health and Safety Code, sec. 822.102(a) exempts from the registration requirement government entities, licensed research facilities, American Zoo and Aquarium Association (AZA)-accredited zoos and aquariums, veterinarians or animal shelters treating injured or abandoned dangerous wild animals, traveling circuses, film productions, university mascots, dangerous animals being transported through the state, nonhuman primates being used in biomedical research, animals kept as part of an AZA species survival plan, or cougars, bobcats, or coyotes trapped as part of a predator-control program in counties west of the Pecos River with a population of less than 25,000.

DIGEST:

CSSB 958 would amend Health and Safety Code, ch. 822, subch. E to define wildlife sanctuary and add it to the list of organizations that would not have to register with city and county animal control authorities.

CSSB 958 would define a wildlife sanctuary as a public charitable organization that:

- was tax exempt under the Internal Revenue Code of 1986, sec. 501(c)(3);
- qualified as a charitable organization as defined by Internal Revenue Code of 1986, sec. 170(b)(1)(A)(vi);
- operated a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced wild animals were provided lifetime care, transferred to another wildlife sanctuary, or released back into their natural habitat; and
- did not conduct any commercial activity or breed the animal.

CSSB 958 also would amend the list of registration exemptions in Health and Safety Code, sec. 822.102(a) to include:

- an accredited member of the Zoological Association of America (ZAA); and
- a wildlife sanctuary that was verified or accredited by the Global Federation of Animal Sanctuaries or a successor nonprofit to Global Federation of Animal Sanctuaries, certified by the Department of State Health Services, if the group ceased to exist.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

CSSB 958 would provide a narrow but enforceable definition for wildlife sanctuaries and clarify their status under existing statutes. These facilities do not properly fit under the exemption for shelters for wild animals being treated or rehabilitated for illness or injury. A shelter implies a short-term stay while an abused, abandoned, or unwanted animal could need to remain in a sanctuary for the rest of its lifetime. Also, CSSB 958 would remedy the legal limbo of animal shelters in counties that lack animal control regulation.

CSSB 958 would provide enough safeguards to ensure that the exemption would not be abused. The bill specifically would require that a public charitable organization derive support from a wide group of people in addition to being a legally recognized nonprofit entity. The standards should prevent someone from staking out a retired circus lion on property in unincorporated areas of the county and declaring it to be a “wildlife sanctuary.” Also, the restrictions on commercial activity or breeding the animal would be appropriate because wildlife sanctuaries typically are kept isolated from the public.

Adding requirements that a facility be accredited by the Global Federation of Animal Sanctuaries would also ensure that wildlife facilities meet the standards of an accepted outside association. The bill also would provide for continuing oversight if that group was abolished or reorganized.

CSSB 958 would grant the same exemption to facilities accredited by the ZAA, the so-called “small zoo” association, that the members of the AZA or “big zoo” group have held since the original law was enacted in 2001. While ZAA is viewed as representing “roadside zoos,” its membership includes the prestigious San Diego Zoo. Since its formation in 2005, 39 facilities in the U.S. have met ZAA standards. Only two facilities in Texas

hold ZAA accreditation. Kansas, Nevada, and Connecticut already recognize ZAA accreditation, and legislation is pending in Michigan, Ohio and Indiana to grant the same status to ZAA as proposed in CSSB 958.

ZAA requires facilities to meet strict standards, including caging regulations. ZAA minimum height, strength, and spacing requirements meet or exceed virtually all Texas regulations, U.S. Department of Agriculture regulations, and AZA requirements. The safety record of its members compares favorably with other associations. The recent escape of a venomous Egyptian cobra from the New York's Bronx Zoo only demonstrates that keeping wild animals is inherently dangerous, no matter the level of sophistication or accreditation of the facility.

Legislators should be cautious in adding more exempt organizations beyond the generally accepted groups already added in CSSB 958. Extending the list would weaken the overall statute.

OPPONENTS
SAY:

CSSB 958 should not extend the exemption to ZAA members, who are typically smaller and for-profit organizations that run virtual "roadside zoos." Serious questions remain about the strictness of ZAA standards and the enforcement of its rules.

OTHER
OPPONENTS
SAY:

CSSB 958 should have been more inclusive in listing accreditation associations for both zoos and wildlife sanctuaries whose members qualify for the exemption from city and county registration.

NOTES:

The companion bill, HB 1546 by Larson, was considered in a public hearing by the House Culture, Recreation, and Tourism Committee on April 13 and was reported favorably, as substituted, on April 18 and recommended for the Local, Consent, and Resolutions Calendar.

The committee substitute differs from the Senate-passed version of the bill by adding ZAA members to the list of wild animal facilities exempt from city or county animal control regulation.