

## **BILL ANALYSIS**

Senate Research Center  
83R29809 SCL/SLB-F

C.S.H.B. 2150  
By: Nevárez (Estes)  
Agriculture, Rural Affairs & Homeland Security  
5/17/2013  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 2150 amends current law relating to exotic, nongame, and dangerous wild animals, and authorizes a fee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 822.001, Health and Safety Code, by adding Subdivision (3-a), to define "department."

SECTION 2. Amends Section 822.101, Health and Safety Code, by adding Subdivision (8), to define "wildlife sanctuary."

SECTION 3. Amends Section 822.102, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that, except as otherwise provided by Subsection (c), this subchapter does not apply to:

(1)-(2) Makes no change to these subdivisions;

(3) an organization that is an accredited member of the Association of Zoos and Aquariums, rather than an organization that is an accredited member of the American Zoo and Aquarium Association;

(4) Makes no change to this subdivision;

(5) a sick or injured dangerous wild animal while being rehabilitated or treated by and in the temporary possession of a licensed veterinarian or a person who holds a rehabilitation permit issued under Subchapter C (Permits for Scientific Research, Zoological Collection, Rehabilitation, and Educational Display), Chapter 43, Parks and Wildlife Code, for the animal being rehabilitated or treated, rather than an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, in an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(6)-(10) Makes no change to these subdivisions;

(11) a dangerous wild animal that is owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the Association of Zoos and Aquariums for that species, and is an integral part of that species survival plan;

(12) Makes nonsubstantive and conforming changes;

(13) an organization that is an accredited member of the Zoological Association of America; and

(14) a wildlife sanctuary that is verified or accredited by:

(A) the Global Federation of Animal Sanctuaries;

(B) the American Sanctuary Association; or

(C) a successor nonprofit organization that is similar to the Global Federation of Animal Sanctuaries or the American Sanctuary Association and is designated by the Department of State Health Services (DSHS) if the Global Federation of Animal Sanctuaries or the American Sanctuary Association ceases to exist.

(c) Provides that Section 822.1025 applies to an organization described by Subsection (a)(13) and a wildlife sanctuary described by Subsection (a)(14).

SECTION 4. Amends Subchapter E, Chapter 822, Health and Safety Code, by adding Section 822.1025, as follows:

Sec. 822.1025. DUTIES OF CERTAIN ENTITIES. (a) Requires an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14), not later than December 31 of each year, to provide to the animal registration agency and to DSHS an annual notification, on a form provided by DSHS, that includes:

(1) the name, address, and telephone number of the organization or sanctuary;

(2) a complete identification of each dangerous wild animal in the custody and control of the organization or sanctuary, including species, sex, and age, if known; and

(3) the exact location where each animal is to be kept.

(b) Requires an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14), not later than the 10th day after the date on which the organization or sanctuary acquires a dangerous wild animal, to provide to the animal registration agency and DSHS an update to the annual notification described by Subsection (a).

(c) Authorizes the animal registration agency to establish and charge reasonable fees for the notification under this section in order to recover the costs associated with the administration and enforcement of this section. Prohibits the fee under this subsection from exceeding \$50 for each animal listed in the notice and from exceeding \$500, regardless of the number of animals listed in the notice.

(d) Authorizes DSHS to charge a reasonable fee in an amount sufficient to recover the costs associated with accepting and processing a notification under this section.

(e) Provides that Sections 822.107 (Liability Insurance) and 822.110 (Attack by Animal; Escape of Animal; Liability) apply to an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14).

(f) Provides that an organization described by Section 822.102(a)(13) or a wildlife sanctuary described by Section 822.102(a)(14) that violates Subsections (a)-(d) is subject to Sections 822.113 (Offense and Penalty), 822.114 (Civil Penalty), and 822.115 (Injunction) as if the organization or sanctuary had violated Section 822.103(a) (relating to prohibiting a person from owning, harboring, or having custody or control of a dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by an animal registration agency). Provides that an organization or sanctuary that violates Subsection (e) is subject to Subsections 822.113 and 822.115, as applicable.

SECTION 5. Amends Section 43.103(3), Parks and Wildlife Code, to redefine "exotic animals" to exclude elk.

SECTION 6. Amends Section 62.015(a), Parks and Wildlife Code, to redefine, in this section, "exotic animal" to exclude elk.

SECTION 7. Amends Section 67.0011, Parks and Wildlife Code, to provide that this chapter does not apply to crayfish, other than in public water, or elk.

SECTION 8. (a) Requires each animal registration agency in this state and DSHS, except as otherwise provided by Subsection (b) of this section, to establish procedures to comply with Section 822.1025, Health and Safety Code, as added by this Act, not later than January 1, 2014.

(b) Provides that an animal registration agency is not required to establish procedures under Subsection (a) if this section if the municipality or county in which the agency is located prohibits the ownership, possession, or confinement of dangerous wild animals as defined by Section 822.101 (Definitions), Health and Safety Code.

(c) Provides Sections 43.103, 62.015, and 67.0011, Parks and Wildlife Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 9. Effective date: upon passage or September 1, 2013.