

1-1 By: Wentworth S.B. No. 958
1-2 (In the Senate - Filed February 25, 2011; March 8, 2011,
1-3 read first time and referred to Committee on Agriculture and Rural
1-4 Affairs; April 13, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 13, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 958 By: Hegar

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of dangerous wild animals.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 822.101, Health and Safety Code, is
1-13 amended by adding Subdivision (8) to read as follows:

1-14 (8) "Wildlife sanctuary" means a public charitable
1-15 organization that:

1-16 (A) is exempt from taxation under Section 501(a),
1-17 Internal Revenue Code of 1986, by being listed as an exempt
1-18 organization under Section 501(c)(3) of that code;

1-19 (B) is described by Section 170(b)(1)(A)(vi),
1-20 Internal Revenue Code of 1986;

1-21 (C) operates a place of refuge where an abused,
1-22 neglected, unwanted, impounded, abandoned, orphaned, or displaced
1-23 wild animal is:

1-24 (i) provided care for the animal's
1-25 lifetime;

1-26 (ii) transferred to another wildlife
1-27 sanctuary; or

1-28 (iii) released back to the animal's natural
1-29 habitat; and

1-30 (D) with respect to a wild animal owned by the
1-31 organization, does not:

1-32 (i) conduct any commercial activity; or

1-33 (ii) breed the animal.

1-34 SECTION 2. Subsection (a), Section 822.102, Health and
1-35 Safety Code, is amended to read as follows:

1-36 (a) This subchapter does not apply to:

1-37 (1) a county, municipality, or agency of the state or
1-38 an agency of the United States or an agent or official of a county,
1-39 municipality, or agency acting in an official capacity;

1-40 (2) a research facility, as that term is defined by
1-41 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its
1-42 subsequent amendments, that is licensed by the secretary of
1-43 agriculture of the United States under that Act;

1-44 (3) an organization that is an accredited member of
1-45 the American Zoo and Aquarium Association;

1-46 (4) an injured, infirm, orphaned, or abandoned
1-47 dangerous wild animal while being transported for care or
1-48 treatment;

1-49 (5) a sick or [an] injured[, infirm, orphaned, or
1-50 abandoned] dangerous wild animal while being rehabilitated or [7]
1-51 treated[, or cared for] by and in the temporary possession of a
1-52 licensed veterinarian[, an incorporated humane society or animal
1-53 shelter,] or a person who holds a rehabilitation permit issued
1-54 under Subchapter C, Chapter 43, Parks and Wildlife Code, for the
1-55 animal being rehabilitated or treated;

1-56 (6) a dangerous wild animal owned by and in the custody
1-57 and control of a transient circus company that is not based in this
1-58 state if:

1-59 (A) the animal is used as an integral part of the
1-60 circus performances; and

1-61 (B) the animal is kept within this state only
1-62 during the time the circus is performing in this state or for a
1-63 period not to exceed 30 days while the circus is performing outside

2-1 the United States;
2-2 (7) a dangerous wild animal while in the temporary
2-3 custody or control of a television or motion picture production
2-4 company during the filming of a television or motion picture
2-5 production in this state;

2-6 (8) a dangerous wild animal owned by and in the
2-7 possession, custody, or control of a college or university solely
2-8 as a mascot for the college or university;

2-9 (9) a dangerous wild animal while being transported in
2-10 interstate commerce through the state in compliance with the Animal
2-11 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent
2-12 amendments and the regulations adopted under that Act;

2-13 (10) a nonhuman primate owned by and in the control and
2-14 custody of a person whose only business is supplying nonhuman
2-15 primates directly and exclusively to biomedical research
2-16 facilities and who holds a Class "A" or Class "B" dealer's license
2-17 issued by the secretary of agriculture of the United States under
2-18 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
2-19 subsequent amendments;

2-20 (11) a dangerous wild animal that is:

2-21 (A) owned by or in the possession, control, or
2-22 custody of a person who is a participant in a species survival plan
2-23 of the American Zoo and Aquarium Association for that species; and

2-24 (B) an integral part of that species survival
2-25 plan; ~~and~~

2-26 (12) in a county west of the Pecos River that has a
2-27 population of less than 25,000, a cougar, bobcat, or coyote in the
2-28 possession, custody, or control of a person that has trapped the
2-29 cougar, bobcat, or coyote as part of a predator or depredation
2-30 control activity; and

2-31 (13) a wildlife sanctuary that is verified or
2-32 accredited by:

2-33 (A) the Global Federation of Animal Sanctuaries;

2-34 or

2-35 (B) a successor nonprofit organization that is
2-36 similar to the Global Federation of Animal Sanctuaries and is
2-37 designated by the Department of State Health Services if the Global
2-38 Federation of Animal Sanctuaries ceases to exist.

2-39 SECTION 3. This Act takes effect immediately if it receives
2-40 a vote of two-thirds of all the members elected to each house, as
2-41 provided by Section 39, Article III, Texas Constitution. If this
2-42 Act does not receive the vote necessary for immediate effect, this
2-43 Act takes effect September 1, 2011.

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