

1-1 By: Nevarez (Senate Sponsor - Estes) H.B. No. 2150
 1-2 (In the Senate - Received from the House May 9, 2013;
 1-3 May 15, 2013, read first time and referred to Committee on
 1-4 Agriculture, Rural Affairs, and Homeland Security; May 20, 2013,
 1-5 reported adversely, with favorable Committee Substitute by the
 1-6 following vote: Yeas 3, Nays 0; May 20, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 2150 By: Estes

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to exotic, nongame, and dangerous wild animals;
 1-18 authorizing a fee.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 822.001, Health and Safety Code, is
 1-21 amended by adding Subdivision (3-a) to read as follows:

1-22 (3-a) "Department" means the Department of State
 1-23 Health Services.

1-24 SECTION 2. Section 822.101, Health and Safety Code, is
 1-25 amended by adding Subdivision (8) to read as follows:

1-26 (8) "Wildlife sanctuary" means a public charitable
 1-27 organization that:

1-28 (A) is exempt from taxation under Section 501(a),
 1-29 Internal Revenue Code of 1986, by being listed as an exempt
 1-30 organization under Section 501(c)(3) of that code;

1-31 (B) is described by Section 170(b)(1)(A)(vi),
 1-32 Internal Revenue Code of 1986;

1-33 (C) operates a place of refuge where an abused,
 1-34 neglected, unwanted, impounded, abandoned, orphaned, or displaced
 1-35 wild animal is:

1-36 (i) provided care for the animal's
 1-37 lifetime;

1-38 (ii) transferred to another wildlife
 1-39 sanctuary; or

1-40 (iii) released back to the animal's natural
 1-41 habitat; and

1-42 (D) with respect to a wild animal owned by the
 1-43 organization, does not:

1-44 (i) conduct any commercial activity; or

1-45 (ii) breed the animal.

1-46 SECTION 3. Section 822.102, Health and Safety Code, is
 1-47 amended by amending Subsection (a) and adding Subsection (c) to
 1-48 read as follows:

1-49 (a) Except as otherwise provided by Subsection (c), this
 1-50 [This] subchapter does not apply to:

1-51 (1) a county, municipality, or agency of the state or
 1-52 an agency of the United States or an agent or official of a county,
 1-53 municipality, or agency acting in an official capacity;

1-54 (2) a research facility, as that term is defined by
 1-55 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its
 1-56 subsequent amendments, that is licensed by the secretary of
 1-57 agriculture of the United States under that Act;

1-58 (3) an organization that is an accredited member of
 1-59 the ~~[American Zoo and Aquarium]~~ Association of Zoos and Aquariums;

1-60 (4) an injured, infirm, orphaned, or abandoned

2-1 dangerous wild animal while being transported for care or
2-2 treatment;

2-3 (5) a sick or [an] injured[, infirm, orphaned, or
2-4 abandoned] dangerous wild animal while being rehabilitated or [7]
2-5 treated[, or cared for] by and in the temporary possession of a
2-6 licensed veterinarian[, an incorporated humane society or animal
2-7 shelter,] or a person who holds a rehabilitation permit issued
2-8 under Subchapter C, Chapter 43, Parks and Wildlife Code, for the
2-9 animal being rehabilitated or treated;

2-10 (6) a dangerous wild animal owned by and in the custody
2-11 and control of a transient circus company that is not based in this
2-12 state if:

2-13 (A) the animal is used as an integral part of the
2-14 circus performances; and

2-15 (B) the animal is kept within this state only
2-16 during the time the circus is performing in this state or for a
2-17 period not to exceed 30 days while the circus is performing outside
2-18 the United States;

2-19 (7) a dangerous wild animal while in the temporary
2-20 custody or control of a television or motion picture production
2-21 company during the filming of a television or motion picture
2-22 production in this state;

2-23 (8) a dangerous wild animal owned by and in the
2-24 possession, custody, or control of a college or university solely
2-25 as a mascot for the college or university;

2-26 (9) a dangerous wild animal while being transported in
2-27 interstate commerce through the state in compliance with the Animal
2-28 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent
2-29 amendments and the regulations adopted under that Act;

2-30 (10) a nonhuman primate owned by and in the control and
2-31 custody of a person whose only business is supplying nonhuman
2-32 primates directly and exclusively to biomedical research
2-33 facilities and who holds a Class "A" or Class "B" dealer's license
2-34 issued by the secretary of agriculture of the United States under
2-35 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
2-36 subsequent amendments;

2-37 (11) a dangerous wild animal that is:

2-38 (A) owned by or in the possession, control, or
2-39 custody of a person who is a participant in a species survival plan
2-40 of the [~~American Zoo and Aquarium~~] Association of Zoos and
2-41 Aquariums for that species; and

2-42 (B) an integral part of that species survival
2-43 plan; [~~and~~]

2-44 (12) in a county west of the Pecos River that has a
2-45 population of less than 25,000, a cougar, bobcat, or coyote in the
2-46 possession, custody, or control of a person that has trapped the
2-47 cougar, bobcat, or coyote as part of a predator or depredation
2-48 control activity;

2-49 (13) an organization that is an accredited member of
2-50 the Zoological Association of America; and

2-51 (14) a wildlife sanctuary that is verified or
2-52 accredited by:

2-53 (A) the Global Federation of Animal Sanctuaries;
2-54 (B) the American Sanctuary Association; or
2-55 (C) a successor nonprofit organization that is
2-56 similar to the Global Federation of Animal Sanctuaries or the
2-57 American Sanctuary Association and is designated by the Department
2-58 of State Health Services if the Global Federation of Animal
2-59 Sanctuaries or the American Sanctuary Association ceases to exist.

2-60 (c) Section 822.1025 applies to an organization described
2-61 by Subsection (a)(13) and a wildlife sanctuary described by
2-62 Subsection (a)(14).

2-63 SECTION 4. Subchapter E, Chapter 822, Health and Safety
2-64 Code, is amended by adding Section 822.1025 to read as follows:

2-65 Sec. 822.1025. DUTIES OF CERTAIN ENTITIES. (a) Not later
2-66 than December 31 of each year, an organization described by Section
2-67 822.102(a)(13) or a wildlife sanctuary described by Section
2-68 822.102(a)(14) shall provide to the animal registration agency and
2-69 the department an annual notification, on a form provided by the

3-1 department, that includes:
 3-2 (1) the name, address, and telephone number of the
 3-3 organization or sanctuary;
 3-4 (2) a complete identification of each dangerous wild
 3-5 animal in the custody and control of the organization or sanctuary,
 3-6 including species, sex, and age, if known; and
 3-7 (3) the exact location where each animal is to be kept.
 3-8 (b) Not later than the 10th day after the date on which an
 3-9 organization described by Section 822.102(a)(13) or a wildlife
 3-10 sanctuary described by Section 822.102(a)(14) acquires a dangerous
 3-11 wild animal, the organization or sanctuary shall provide to the
 3-12 animal registration agency and the department an update to the
 3-13 annual notification described by Subsection (a).
 3-14 (c) The animal registration agency may establish and charge
 3-15 reasonable fees for the notification under this section in order to
 3-16 recover the costs associated with the administration and
 3-17 enforcement of this section. The fee under this subsection may not
 3-18 exceed \$50 for each animal listed in the notice and may not exceed
 3-19 \$500, regardless of the number of animals listed in the notice.
 3-20 (d) The department may charge a reasonable fee in an amount
 3-21 sufficient to recover the costs associated with accepting and
 3-22 processing a notification under this section.
 3-23 (e) Sections 822.107 and 822.110 apply to an organization
 3-24 described by Section 822.102(a)(13) or a wildlife sanctuary
 3-25 described by Section 822.102(a)(14).
 3-26 (f) An organization described by Section 822.102(a)(13) or
 3-27 a wildlife sanctuary described by Section 822.102(a)(14) that
 3-28 violates Subsections (a)-(d) is subject to Sections
 3-29 822.113-822.115 as if the organization or sanctuary had violated
 3-30 Section 822.103(a). An organization or sanctuary that violates
 3-31 Subsection (e) is subject to Sections 822.113 and 822.115, as
 3-32 applicable.
 3-33 SECTION 5. Section 43.103(3), Parks and Wildlife Code, is
 3-34 amended to read as follows:
 3-35 (3) "Exotic animals" includes exotic livestock and
 3-36 exotic fowl as defined by Section 161.001(a), Agriculture Code,
 3-37 wild animals that are nonindigenous to Texas, and aoudad sheep[~~7~~
 3-38 ~~and elk~~].
 3-39 SECTION 6. Section 62.015(a), Parks and Wildlife Code, is
 3-40 amended to read as follows:
 3-41 (a) In this section, "exotic animal" means exotic livestock
 3-42 or exotic fowl as defined by Section 161.001(a), Agriculture Code,
 3-43 and aoudad sheep[~~, or elk~~].
 3-44 SECTION 7. Section 67.0011, Parks and Wildlife Code, is
 3-45 amended to read as follows:
 3-46 Sec. 67.0011. EXEMPTIONS [~~EXEMPTION OF CRAYFISH~~]. This
 3-47 chapter does not apply to:
 3-48 (1) crayfish, other than in public water; or
 3-49 (2) elk.
 3-50 SECTION 8. (a) Except as otherwise provided by Subsection
 3-51 (b) of this section, each animal registration agency in this state
 3-52 and the Department of State Health Services shall establish
 3-53 procedures to comply with Section 822.1025, Health and Safety Code,
 3-54 as added by this Act, not later than January 1, 2014.
 3-55 (b) An animal registration agency is not required to
 3-56 establish procedures under Subsection (a) of this section if the
 3-57 municipality or county in which the agency is located prohibits the
 3-58 ownership, possession, or confinement of dangerous wild animals as
 3-59 defined by Section 822.101, Health and Safety Code.
 3-60 (c) Sections 43.103, 62.015, and 67.0011, Parks and
 3-61 Wildlife Code, as amended by this Act, apply only to an offense
 3-62 committed on or after the effective date of this Act. An offense
 3-63 committed before the effective date of this Act is covered by the
 3-64 law in effect when the offense was committed, and the former law is
 3-65 continued in effect for that purpose. For purposes of this section,
 3-66 an offense was committed before the effective date of this Act if
 3-67 any element of the offense was committed before that date.
 3-68 SECTION 9. This Act takes effect immediately if it receives
 3-69 a vote of two-thirds of all the members elected to each house, as

4-1 provided by Section 39, Article III, Texas Constitution. If this
4-2 Act does not receive the vote necessary for immediate effect, this
4-3 Act takes effect September 1, 2013.

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