



Final Report The 83rd Session of the Texas Legislature



“Thanks to all our supporters and our lobbyist Speaker Gib Lewis, we did good this session up against all odds and with only a slingshot!”

However it was a different kind of session in 2013!

“The State and the Lege decided they deserved a breather after the poison of last session,” wrote Harvey Kronberg in Quorum Reports.

The 2013 Session was labeled the “Kumbaya Session” or the “Seinfeld Session,” a show about nothing. After the tumultuous 2011 session, forty legislators from the 82nd Session chose not to return to the Legislature again. They claimed they were unable to represent their constituents due to all the shenanigans. Rep. Senfronia Thompson, sponsor of HB 1451 (the misnamed “Puppy Mill Bill”) threatened to block everyone’s bills in her Calendars Committee from being scheduled for a Floor Vote unless they supported her HSUS bill in 2011. The “Animal Rights Industry” is a formidable foe.

Our bill to “repeal and replace HB 1451.”

This Session **RPOA** had an influential legislator (a committee chairman) committed to sponsoring our bill to “repeal and replace HB 1451,” but he couldn’t get past this brick “Kumbaya” wall. So our bill fell by the wayside this year but work has already begun for the next legislative Session in 2015. The Animal Rights Industry has announced they are making preparations also, so the “war” continues -- holding our animals as hostages!

Lots of new faces at the Capitol this year!

There were approximately 25 bills this session, some with both House and Senate Hearing Committees to attend during the stressful six months session.

RPOA Texas Outreach was the only group representing all facets of pet/animal ownership in our state while Texas Humane Legislation Network called in national reinforcements to pursue their animal “rights” agenda. This is evident from the witnesses we list below for each bill. Texas cities are now emboldened by the support of the anti-pet Animal Rights Industry to pass new laws in our cities and our state to legislate pet ownership out of existence. The proof is in the “pudding” ... the legislation!

RPOA had one paid lobbyist, former House Speaker Gibson Lewis, for our side.

The “other side” had:

Texas Humane Legislation Network with five registered lobbyists plus Skip Trimble.

HSUS with one registered lobbyist, plus Katie Jarl (their Texas state director).

Best Friends Animal Society from Utah with two registered lobbyists.

ASPCA’s (TX) director Deborah Foote supported all HSUS and THLN positions.

Other faces certainly not sympathetic to animal ownership:

Texas Municipal League, Austin Humane Society, Fix Austin, Texas Animal Control Association, cities of Dallas, Austin, Fort Worth, and San Antonio.

Texas Veterinary Medical Association (TVMA) is always a wild card; we never know what to expect. TVMA helped THLN and HSUS write HB 1451, the misnamed “Puppy Mill” Bill in 2011.

**There were many animal related bills of concern to
Responsible Pet Owners Alliance.
Copies of these bills can be found: www.capitol.state.tx.us**

**BILLS OPPOSED
DIED IN COMMITTEE**

DEAD: HB 1449 by Kuempel

“Relating to licensing and regulation of dog and cat dealers; providing penalties and imposing fees.”

Pet Industry Joint Advisory Council (PIJAC) Bill

This bill didn’t get past the starting gate as it was killed immediately. Rep. Kuempel never set a committee hearing and let his bill die a natural death, citing too much opposition. To our surprise, this bill was a PIJAC bill -- not from the “Animal Rights Industry” as everyone first thought. RPOA was told by Michael Maddox at PIJAC that the bill would “keep cities from banning pet stores,” which was not written nor implied anywhere in the bill. Instead of helping animal owners in Texas, PIJAC only caused us more wasted time, energy, and expense to kill a very bad bill.

A “Dealer” was defined as “any person selling or offering to sell 21 animals (dogs and cats combined) for pets.” There was no way to amend this bill satisfactorily which mimicked HB 1451 with licensing, oversight and rules written by Texas Department of Licensing & Regulation. It would have confused dog and cat breeders even more about licensing requirements for breeding and sales of puppies and kittens.

DEAD: HB 3747 by Farrar

“Relating to a central database containing information about certain persons who have been convicted of or received a grant of deferred adjudication for certain offenses involving animal cruelty; providing a criminal penalty.”

Creating a public **Animal Abusers List** - comparable to human **Sex Offenders**. This is a major “Animal Rights” Agenda item which hasn’t passed anywhere yet, but they keep trying. The extremists believe that animals should have “personhood” with the same legal rights as humans in our court system. Most likely originated from **Nanci Alexander and former husband Leslie Alexander (Houston Rockets owner)** as last session when we killed it. But it is a perennial and will be back each session.

Witnesses Supporting: Cities of Houston, San Antonio, Corpus Christi, and individuals.

Witnesses Opposing: RPOA, Exotic Wildlife Association, Texas Criminal Defense Lawyers Association.

DEAD: HB 297 by Rodriguez, Eddie

“Relating to appeals regarding dangerous dogs.”

(State Bar Animal Law Section Bill)

Regarding appeals; an appeal bond required; amount to be determined by the court where hearing is heard. Similar to animal seizure cases. Allowed request for jury trial.

Witnesses supporting: Attorneys from State Bar Animal Law Section; Randy Turner, Susan Hightower, Katie Jarl with HSUS, County Judges and Commissioners Assoc. of Texas, and San Patricio County.

Witnesses opposing: Cities of Fort Worth and Corpus Christi

DEAD: SB 1250 by Carona

“Relating to the creation of an office of regulatory best practices in the Texas Department of Licensing and Regulation (TDLR) and the evaluation by the office of proposals by members of the legislature to regulate occupations.”

SB 1250 was a very bad bill, legislating even more power to TDLR to establish a new umbrella agency for “regulatory best practices” in all businesses not now regulated, which could be abused no end. Established an inner “office,” appears to circumvent the legislative process itself. Regarding currently regulated occupations, could “increase” regulatory requirements. Creates a Redundant Department of Redundancy.

Supporting Witnesses: Texas Apartment Association and Plumbing Heating Cooling Contractors of Austin.

ON: William Kuntz, Jr. from Texas Department of Licensing & Regulation.

Opposition Witnesses: Joe Shirley from Coppell; George Armstrong with RPOA.

DEAD: HB 1331 by Stephenson

(Senator John Carona’s companion Bill SB 408)

“Relating to confidentiality of certain complaints to and investigations by the Texas Department of Licensing and Regulation.”

Rep. Stephenson listened to our opposition and allowed his House bill to die in committee. However Senator John Carona did an “end run” around Stephenson’s bill; passed his companion Bill **SB 408** out of the Senate and House Licensing & Administrative Procedures Committee, then sent to Local & Consent Calendar Committee to be scheduled for a House Floor vote. Fortunately we blocked a House Floor Vote before the Session ended.

This bill would have affected all licensees, not just dog & cat breeders. Some licensees may want their records kept confidential, but licensed dog and cat breeders especially want access to their own records because of frivolous complaints being filed as harassment by “animal rights” extremists. Complaints automatically trigger a TDLR investigation and possibly grant them a “\$1,000 Breeder Bounty.”

DEAD: HB 2981 by Rodriguez, Eddie

“Relating to the procedures and duties of animal shelters and rescue organizations; providing penalties.”

(Bill from Best Friends Animal Society in Utah)

Transfers title and legal ownership of impounded animals to municipal animal shelters after an unspecified “hold time.” (Usually 3 days in city ordinances) Places excessive control by city pounds over the rescuers and would be the first step to licensing rescuers. Originally we supported this bill because of the animal shelter requirements and some good provisions, but changed our position to oppose it after receiving much feedback from our membership. A major consideration was the “taking” of private property by transferring legal ownership of all impounded animals to the city within a set period of time.

Groups supporting: Fix Austin, Best Friends Animal Society, and Greyhound Pets of America.

Groups against: Texas Animal Control Association, Texas Federation of Animal Care Societies, Texas Veterinary Medical Association, cities of Dallas, Arlington, San Antonio, Fort Worth, Harris County Public Health, and Texas Municipal League. RPOA changed our testimony to “oppose” this bill in a follow up letter to the committee members.

DEAD: HB 3746 by Farrar

“Relating to the offenses of cruelty to livestock animals and cruelty to nonlivestock animals.”

This is a repeat of previous **Texas Humane Legislative Network** (THLN) attempts to add “recklessly” to “intentionally and knowingly” committing an offense. No committee hearing held.

DEAD: HB 3748 by Farrar

“Relating to the costs associated with proceedings regarding cruelly treated animals; authorizing fees and costs.”

This proposed law creates an unheard of requirement for an animal owner convicted of cruelty to also pay the government's lawyer in an animal cruelty case. This requirement exists nowhere in state or federal law. When the government comes to prosecute, it is at their own expense. Passed in House, referred to Senate but no Senate Committee Hearing was held.

Witnesses supporting: Harris County attorneys, City of San Antonio, Austin Humane Society.

No witnesses opposing.

SUPPORTED, PASSED, SIGNED BY GOVERNOR

PASSED: HB 489 by Menendez (Senator Uresti)

“Relating to use of assistance animals that provide assistance to persons with disabilities; providing criminal penalties.”

This bill had the support of veterans and disability groups and protected their rights to have their service animals with them in all public places.

**PASSED: HB 858 by Lucio III (Substituted with SB 360 by Watson)
(Texas Humane Legislation Network bill)**

“Relating to methods used by an animal shelter to euthanize a dog or cat.”

This bill had full support from animal “rights” extremists and the animal “welfare” community. THLN says they are “willing to assist the 29 shelters still using carbon monoxide to euthanize shelter dogs and cats to come into compliance by January 14, 2014,” but they don’t publicly clarify how that will be done.

PASSED: HB 1200 by Van Taylor, (Substituted with SB 1010 by Bonnen)

“Relating to access to certain facilities by search and rescue dogs and their handlers; providing a criminal penalty.”

Requiring acceptance of search and rescue handlers with their dogs in motels and other public establishments.

PASSED: HB 1469 by Laubenberg (Substituted with SB 555 by Davis)

“Relating to provisions in protective orders regarding pets and other companion animals; providing a penalty.”

This is basically to change certain language in current law (originally a 2011 Texas Federation of Animal Care Societies’ Bill) that was requested by Texas District and County Attorneys Association before they will enforce the law.

SUPPORTED BUT FAILED TO PASS

DEAD: HB 1425 by Moody

“Relating to definition of property for purposes of stalking.”

Added pets as property. Passed House Committee, but no Floor vote.

DEAD: HB 3592 by Anderson

“Relating to animal shelters.”

No committee hearing held.

DEAD: HB 3749 by Farrar

“Relating to the guidelines for animal shelters.”

Withdrawn from schedule 4/17/2013

OPPOSED BUT PASSED, SIGNED BY GOVERNOR

PASSED: SB 654 by West

(Texas Humane Legislation Network bill)

“Relating to the enforcement of water conservation and animal care and control ordinances of a municipality by civil action or quasi-judicial enforcement; providing civil penalties.”

Provides a new revenue stream for cities and more power against a citizen.

Cities can sue animal owners for civil penalties for water conservation and animal ordinance violations.

Witnesses supporting: Texas Humane Legislation Network, Texas Municipal League, Cities of Dallas, Austin, Fort Worth, Arlington, Austin Water Supply, Texas Apartment Association.

Only Witness Opposing: Texas Veterinary Medical Association.

SLIPPED IN UNDER OUR RADAR!

DEAD: HB 2434 by Tracy King

“Relating to prohibiting introduction or distribution of certain records of field trials or the process of hunting or catching wildlife; providing a civil remedy and creating an offense.”

(“Hunter’s Gag Bill”) Passed out of House Committee, sent to Calendars Committee, but no Floor Vote was scheduled.

Would allow a landowner to sue a person in civil court if that person films or records anyone who is lawfully engaged in field trials, hunting or catching wildlife on the landowners property. Class B Misdemeanor with jail time up to 6 months and fine up to \$5,000 or both.

Witnesses Supporting: Exotic Wildlife Association, Curtis Fuelberg, Macy Ledbetter, Texas Deer Association, Texas Wildlife Association, Texas Southwestern Cattle Raisers, Independent Cattlemen of Texas, Texas Poultry Federation.

Witnesses Opposing: Texas Association of Broadcasters, Texas Press Association

DEAD: HB 279 by Lucio III & Anchia

“Relating to penalty for theft of a pet.”

Elevates pet theft to a state jail felony, regardless of value.

Left pending in committee. 4/16/2013

DEAD: SB 1358 by Davis

“Relating to animal encounter training for peace officers.”

Would make training mandatory but included some unreasonable provisions. No committee hearing held.

DEAD: HB 2471 by Rodriguez of Travis

“Relating to the exception of certain information related to the humane disposition by a local government of an unclaimed stray animal from required disclosure under the public information law.”

Would prevent the owner from tracing whereabouts of his impounded animal if transferred or adopted before he even knew animal was impounded. Some animal owners are not even aware municipal pounds exist, address, or where to look immediately for a lost pet.

Witnesses Supporting: Texas Humane Legislation Network, Cities of San Antonio, Austin, Dallas, Houston, Plano, and Williamson County Regional Animal Shelter.

Witness Opposing: Charles Jackson with Houston BARC.

Animal “Rights” Bills not pertaining to pet ownership
RPOA is limited to domestic pet issues, not wildlife legislation.

DEAD: HB 852 by Lucio III

“Relating to the sale and purchase of Shark Fins or products derived from shark fins; creating an offense.”

(HSUS bill) Passed House Committee. Blocked in Senate.

Witnesses supporting: Texas Humane Legislation Network, HSUS, Sierra Club Lone Star Chapter, Environment Texas, Shark Stewards, Elizabeth Cary, Jessica Johnson, and Melissa Smith with ASPCA, Texas Interfaith Center for Public Policy, Austin Humane Society, Coastal Conservation Association Texas.

Witnesses Opposing: Texas Public Policy Foundation, Monica Kache.

DEAD: HB 1015 by Guillen

“Relating to the regulation of big cats and nonhuman primates, providing penalties.”

(HSUS bill)

Prohibits ownership of big cats and nonhuman primates in cities and counties of more than 75,000 population. Left pending in committee.

Witnesses Supporting: Katie Jarl and Nicole Paquette with HSUS; HSUS' Black Beauty Ranch; Primarily Primates, Texas Primary Primate Owners United; Texas Veterinary Medical Association; Texas Disposal Systems; and "Skip" Trimble with Texas Humane Legislation Network.

Witnesses Opposing: Tiger Creek Wildlife Rescue, Priderock Wildlife Rescue

DEAD: SB 1395 by Estes, Campbell

"Relating to the regulation of dangerous wild animals."

This bill provided additional exemptions to the Dangerous Wild Animal Act.

Passed Senate Floor but stalled in House Committee. No vote.

Witnesses Opposing: Born Free USA Primate Sanctuary, Texas Humane Legislative Network, Wildlife Rescue and Rehabilitation (Lynn Cuny's group).

Witnesses Supporting: Exotic Wildlife Association, Primarily Primates

VETOED BY GOVERNOR PERRY:

SB 346 regarding IRS 501 (C)(4) Nonprofits

"Relating to reporting requirements of certain persons who do not meet the definition of a political committee."

This bill targeted **IRS 501 (C)(4) Nonprofit Organizations with \$25,000 annual income**; mandating an annual report be filed listing **all donors of \$1,000 or over**.

RPOA Texas Outreach is such an organization and files annual IRS Tax Returns. We do not wish to reveal the names of our donors publicly due to possible harassment and we support the governor's veto. Reportedly, there is a Supreme Court Decision against this type law.