

TML POSITION STATEMENT ON H.B. 3450

The Texas Municipal League agrees with the intent of H.B. 3450 but has serious concerns with the impact of certain provisions on cities, including the following:

- Sections 3, 6, and 14 fail to recognize the limited resources of some city shelters by: (1) prohibiting a shelter, in most instances, from selling, adopting, or giving away to a new owner any animal that has not been sterilized; (2) imposing mandatory holding periods for stray animals; and (3) dictating detailed euthanasia procedures. Sterilization requirements, holding periods, and euthanasia procedures should be left to the discretion of the individual shelter because they know best what capacity, staff, and equipment they have available.
- Section 5 takes away important tools that cities have to control feral cat populations by: (1) exempting “feral cat caregivers” from any provision of law proscribing the feeding of stray animals, requiring a permit to feed animals, requiring the confinement of cats, or limiting the number of animals a person can own or harbor; and (2) prohibiting, in most instances, a city shelter from lending, renting, or otherwise providing traps to the public to capture cats.
- Section 6 works to undermine policies cities have in place to control the feral cat population by allowing “feral cat caregivers” to redeem any feral cat from the shelter without conferring the responsibilities of ownership on the caregiver.
- Sections 6, 13, and 15 impose record retention requirements that may otherwise conflict with retention schedules that cities have in place by requiring that certain records be kept for a minimum amount of time.
- Sections 6 and 13 take away a city’s right to recover costs for responding to a public information request that the city may otherwise have under the Public Information Act by requiring that certain information be provided for inspection at no cost.
- Sections 6, 8, 9, 11, and 15 create costly and burdensome administrative duties for cities by: (1) creating extensive documentation and procedural requirements before euthanizing certain animals; (2) requiring the maintenance of a registry of organizations that will accept animals for adoption; (3) requiring the maintenance of a continuously updated list of animals that have been reported lost; (4) requiring the posting of all stray animals on the Internet; (5) requiring notification to an owner by phone, mail and personal service of a lost animal’s location; (6) requiring the provision of low-cost sterilization services and programs to decrease owner-relinquishment of animals; and (7) requiring preparation of monthly reports and summaries of those reports. These requirements amount to little more than unfunded mandates.
- Section 11 requires a city shelter to provide volunteer opportunities. Whether or not to use volunteers, in any aspect of city business, should be left for the city to determine as the use of volunteers always brings with it risks for increased liability.
- Section 12 fails to contemplate how the intended use of an animal is to be discerned by a city when it prohibits a city shelter from giving away animals for medical or biological teaching, research, or study.

March 17, 2011

To Whom It May Concern,

The Texas Animal Control Association does not support HB 3450. HB 3450 is drafted in such a way that the entities, defined as "Public Sheltering Agency" and "Private Sheltering Agency" that currently deal with unwanted, stray, animals that are a nuisance, will be penalized for addressing issues of public health and safety concerns, by the insurmountable restrictions and mandated expenses HB 3450 would place on them. "Public Sheltering Agencies" rely on tax dollars to fund their efforts of sheltering stray animals that are impounded. "Private Sheltering Agencies" must rely on donations and fund raising events to finance their efforts. HB 3450 does not take into consideration the additional burdens on tax payers and 501C3 nonprofits. Budgets are already stretched, and our state and national economies are struggling.

HB 3450 makes many unfounded assumptions.

- Animals in Shelters currently receive care as outlined in the Texas Health and Safety Code.
- Shelters make adoptable animals available.
- Shelters have partnerships with rescue groups, nonprofits, and for profit companies to rehome their animals.
- Owners have a reasonable time to redeem their animals.
- Provisions already exist for dogs and cats to be spayed and neutered. Dogs and cats are the two most common species seen at Shelters.
- Staff performing euthanasia must be certified to do so. Laws and rules currently exist regulating the methods, training, and certification course content in the Texas Health and Safety Code.
- Shelters are trusted to honor the requests of pet owners when they make a decision to have their pet euthanized. HB 3450 would violate that trust.
- Citizens have the right of property and the right to request or cause nuisance animals to be removed from their property. Shelters would not be able to assist them (going somewhere with TNR/feral) with all the restrictions HB 3450 would place on them. Both private and public would be forced to subsidize these activities with little to no provisions for funding. This seems to be a very arrogant attempt to extol control over many activities Shelters are already involved in dealing with society's animals. Shelters are not the problem, irresponsible pet owners are.
- Public Shelters may be subject to open record requests while Private Shelters are not. Amendment rights still apply.
- Shelters are capable of putting best practice policies in place.
- Revenue does not exist for every Shelter to offer low cost spay/neuter.
- Every Shelter does not have a Veterinarian on staff.

- Every Shelter does not have a Behaviorist on staff.
- Every Shelter must minimize liabilities in placing or rehoming animals.
- Staffs working at Shelters are compassionate people who are committed to caring for the animals in their care. No one gets involved in the sheltering of animals because they like euthanizing animals...quite the opposite. They all have a great affinity for animals.
- Shelters do not have an infinite amount of space to keep and care for “savable” animals for an infinite amount of time. This is not realistic given the number of animals that end up at our shelters because of irresponsible owners who do not keep their pets restrained or identified. Shelters are the best judge of their space requirements.

The Texas Animal Control Association would encourage the drafting of laws that would require pet owners to identify their pets. A very high percentage of animals coming into our Shelters do not have any form of identification on them. The few pets that do have identification, have a high success rate of being returned to their owners. Identification is key. Burdening and penalizing the Shelters with HB 3450 will not affect the change you desire very quickly. Drafting laws requiring breeder permits or that all owners of puppies and kittens, dogs and cats, must have their animals spayed and neutered, would enhance laws currently in place and address privately owned animals.

The Texas Animal Control Association does not support HB 3450. It does not address the issues in Texas and places unrealistic restrictions and mandated expenses on Shelters.

Sincerely,

THLN's POSITION STATEMENT ON HB 3450

HB 3450 relating to restrictions on the operations of both public and private animal shelters in Texas raises numerous complicated and controversial issues ranging from shelter policies on adoptions and euthanasia to holding periods, sterilization, owner surrenders, lost animals, feral cats, required services, and reporting requirements. The bill named the "Companion Animal Protection Act of 2011" is over thirty pages long and starts with the admirable statement of intent "*to curtail the killing of savable animals in Texas.*"

THLN strongly supports and endorses the stated intent of this bill; however, THLN was not made aware of the bill until it was filed on March 11, 2011 and was not involved in its drafting or in discussions of the issues included in the bill. Further, to THLN's knowledge few, if any, of the many public and private shelters in this state who are the true "stakeholders" were consulted or had input into the drafting of the bill.

It is THLN's belief that it would be more productive to defer this legislation to the 2013 legislative session so it can be fully reviewed and discussed by the entire Texas animal welfare community. This will give all stakeholders the opportunity to debate the issues, offer their ideas as to solutions to the problems addressed and to determine how to best achieve the solutions sought by the bill – whether through statewide legislation or local ordinances or incentives. THLN recommends that consideration of this bill be postponed and the entire Texas animal welfare community, the Texas Veterinary Medical Association, the Texas Animal Control Association, the Texas Municipal League and other interested parties work together during the interim period with the goal of bringing a comprehensive and well thought through bill next session that can be supported and endorsed by all stakeholders.

HOUSTON HUMANE SOCIETY



6 April 2011

The Honorable Jessica Farrar
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Sent via email
and regular post

Dear Ms. Farrar:

On behalf of the staff, board, volunteers and the 15,000+ Texas donors of the Houston Humane Society (HHS) I respectfully urge you to pull HB3450. This bill is majorly detrimental to both private and non-profit animal agencies. To outline a few of the many problems with this bill:

1. The bill requires agencies to work with "rescue groups" regardless of past experience or knowledge of poor reputation. The HHS has personally witnessed 501c3 "rescuers" that are borderline cruel, are warehousing animals and do not provide healthy food or proper medical care. This bill would only exempt convicted felons or those with cruelty cases pending. We have seen cases where the courts feel sorry for the rescuer "who had just gotten in over his/her head", cruelty cases being pled out because of packed case loads, or a officials that are unable to prosecute for reasons not pertinent to the cruelty charge. These people, although they aren't convicted felons, should not have animals but this bill would allow them to take animals from any shelter.

2. In these tough economic times, having to hold all animals for five days minimum will cause cost prohibitive increases and risks many municipal and private organizations to close their doors. In addition, forcing agencies to call rescues on all animals will increase holding times by at least twice that time. Again, from years of experience working with volunteer rescue groups, they can take in excess of a week to schedule a foster and then get to the facility to pick up the animal. Often they refuse to take the animal because "it is not to standard for their breed", "their foster home fell thru", "they do not want an animal with any behavioral issues", "they do not want an animal with any health issues" and numerous other reasons they cannot rehab the animal to market.

3. If the agencies don't totally close down, intake will have to drastically be reduced. Where are these excess animals supposed to go???? In spite of the rhetoric, there IS AN ANIMAL OVERPOPULATION PROBLEM. As is the case with every shelter that does not turn animals away I'm aware of, HHS is filled to overcapacity with cats and dogs 365 days per year.

Mailing Address:
P.O. Box 450528
Houston, TX 77245

Shelter Location:
14700 Almeda Rd.
Houston, TX 77053

(713)433-6421
Fax (713-433-4325)

www.houstonhumane.org

The HHS is a non-profit organization dedicated to eliminating cruelty, abuse and the overpopulation of animals.

4. Currently many shelters, Houston's included, are standardizing record keeping using the Asilomar Accords so we can get a more accurate idea of where the problems lie and start solving in a unified manner. Requiring an added reporting system for a special interest group would be redundant.

In addition, and again from experience, the "no kill" organizations manipulate agencies' numbers to raise funds for themselves. Most of these groups do not, and have not, run shelters. The ones that do have severely limited intake and turn away thousands of animals. Again, where are these excess animals supposed to go????

5. The bill requirements would compel agencies to have a veterinarian on staff if every animal with questionable health had to be evaluated by a "veterinarian licensed to practice in this state" since most animals turned into a shelter have questionable health. While the HHS has staff veterinarians and offer low cost spay and neuter surgeries to the public, most shelters do not have the funds to provide this and would be forced to shut down or severely limit intake. Again, where will these excess animals go???? What is the definition of the "trained behaviorist who is an expert on canine behavior"?

On the surface "No Kill" sounds like a panacea. I challenge you to look more in depth to the places that Nathan Winograd and his followers claim have been successful. Ask any animal shelter in California if the Hayden bill has really been successful. Check the numbers and records in Austin closely to determine for yourself if it has a true 92% save rate. Have all of the animals been spayed or neutered to prevent recycling of the overpopulation problem? Have they been following to the letter the restrictions proposed in this bill? I ask that you check closely to determine if some of the people pushing this bill don't breed and sell puppies, or have relatives that do, which are adding to the overpopulation problem they claim doesn't exist. A problem that does exist and will become even greater if agencies are forced to close their doors and/or limit their intake.

The people that are being attacked by this group are termed "killers", "worthless" and other derogatory terms that hurt deeply. I have never witnessed any organization or person that enjoyed killing animals. Shelter workers are not the ones that abandon, breed and cause the problems. They are the ones whose hearts hurt every time an animal is abused, mistreated or unwanted. They are the ones on the front lines that are affronted daily by owners who refuse to take responsibility for their animals.

Animals will suffer immeasurably if HB 3450 is passed. I have addressed only a fraction of the problems it would cause. Focus must be place on PREVENTING irresponsible breeding and selling of puppies and kittens, educating people on proper pet care and advocate responsible pet ownership.

Please reconsider your sponsorship of this bill that will cause a very detrimental effect on the animals in Texas.

Sincerely,



Sherry Ferguson
Executive Director