

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Friday, August 21, 2020 2:19:48 PM

-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Wednesday, August 19, 2020 4:00 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: Marybeth

Last Name: Duerler

Title: President

Organization you are affiliated with: Responsible Pet Owners Alliance

Email: rpoa@texas.net

City: San Antonio

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Responsible Pet Owners Alliance supports the Sunset Commission Staff

Recommendation: "State Dog and Cat Breeder Law does not protect overall public interest and should be eliminated."

Our organization has monitored enforcement of this onerous law since it passed almost 10 years ago. We agree there never was a "need" for the law as the Staff Report concludes. It has been a national legislative agenda from the Animal Rights Movement for many years and never was about "animal cruelty." Texas has one of the strongest Animal Cruelty Laws in the country. "Humane Society of the U.S." and "SPCA of Texas" have carried out raids in Texas and confiscated animals for years – under existing state Animal Cruelty Law.

Legislators were misled by the "Puppy Mill" word, which extremists use to describe any or all breeders and has no legal definition. The law doesn't even contain the "commercial" word.

In their comments, Texas Humane Legislative Network (THLN) maintains this law was their "premier" piece of legislation and says they worked hard for its passage as a "Texas only" organization. Truth is THLN, Humane Society of the US, and Animal Legal Defense Fund sent a joint letter to Texas Department of Licensing & Regulation (TDLR) reporting 400 breeders' websites for TDLR investigations before the ink dried on the new law. Their legislative "MO" is to harass breeders until they cease operations or move out of state. We've heard the extremists beg legislative committee members to "give them the tools!" and legislators did just that in 2011 -- after refusing to do so in 2009 during the previous session.

We also agree with other points made by Sunset Commission Staff:

1. "STATE LAW makes cruelty to animals – including failing to provide necessary food, water, care, or shelter – a

criminal offense punishable up to a state jail felony, which is appropriate for law enforcement, not a regulatory agency to address.”

2. “REVENUES DO NOT COVER ADMINISTRATION [as required by statute]. A 2018 agency fee study found the program had a 38% cost overrun. Enforcement cases took 307 days to resolve in fiscal year 2019, more than double the average across all TDLR programs.”

3. “UNENFORCEABLE REQUIREMENTS UNDERMINE THE AGENCY’S EFFORTS.”

4. “DUPLICATES USDA FEDERAL STANDARDS FOR BREEDING ANIMALS FOR SALE.”

Any Alternative or New Recommendations on This Agency: "Animal cruelty" is covered under existing Texas state law, one of the strongest laws in the U.S.

My Comment Will Be Made Public: I agree