

BILL ANALYSIS

C.S.H.B. 3004
By: Coleman
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 823, Health and Safety Code, establishes operating standards for animal shelters and requires the Department of State Health Services (DSHS) to inspect shelters to determine compliance with statute. In practice, however, DSHS generally only inspects government-run animal shelters that quarantine biting animals. The current definition of "animal shelter" is a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals. This definition does not adequately describe the numerous privately operated backyard kennels in Harris County. Backyard kennels give rise to public health, safety, environmental, and animal cruelty concerns and, unlike other sources for pet adoption, can circumvent legal mechanisms for ensuring that an adopted animal is appropriately registered, vaccinated, and spayed or neutered.

In 2008, the Harris County attorney's office determined that Harris County Public Health and Environmental Services (HCPHES) has the authority to request proof of compliance with the shelter inspection requirement for any animal shelter in its jurisdiction. If the shelter cannot show such proof, HCPHES is authorized to issue the owner or operator a citation for a Class C misdemeanor. However, HCPHES does not currently have the authority to inspect a facility or issue a citation for a specific violation of operating standards.

C.S.H.B. 3004 authorizes a county to enforce statutory provisions relating to standards for animal shelters. The bill authorizes a county or municipality to bring a civil action for a violation of those standards or a rule relating to those standards.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3004 amends the Health and Safety Code to authorize a county to enforce standards for operating an animal shelter. The bill establishes that its provisions do not authorize a county to establish standards for operating an animal shelter. The bill prohibits a county from enforcing standards for operating an animal shelter at an animal shelter operated by a municipality. The bill prohibits a person from causing or permitting a violation of the standards or a rule relating to animal shelter standards and requires a person who violates those standards or rules to be assessed a civil penalty. The bill sets the amount of the civil penalty at not less than \$100 or more than \$500 for each violation and for each day of a continuing violation. The bill establishes procedures authorizing the county or municipality in which a violation occurs to institute a civil suit in district court for injunctive relief, the assessment and recovery of the civil penalty, or both. The bill specifies that a bond is not required in bringing such an action. The bill entitles the county or municipality to reasonable costs of investigation, reasonable attorney's fees, and court costs, if the county or municipality prevails in such a suit.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3004 adds a provision not in the original to prohibit a county from enforcing animal shelter operating standards at a shelter operated by a municipality. The substitute, in provisions establishing procedures authorizing a civil suit in district court, differs from the original by removing the Department of State Health Services as an entity to which the provision applies.