

1-1 By: Coleman (Senate Sponsor - Jackson) H.B. No. 3004
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3004 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to animal shelter standards; providing a civil penalty.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 823, Health and Safety Code, is amended
1-13 by adding Sections 823.008 and 823.009 to read as follows:
1-14 Sec. 823.008. ENFORCEMENT BY COUNTY. (a) A county may
1-15 enforce this chapter.
1-16 (b) This section does not authorize a county to establish
1-17 standards for operating an animal shelter.
1-18 (c) A county may not enforce this chapter at an animal
1-19 shelter operated by a municipality.
1-20 Sec. 823.009. CIVIL PENALTY. (a) A person may not cause,
1-21 suffer, allow, or permit a violation of this chapter or a rule
1-22 adopted under this chapter.
1-23 (b) A person who violates this chapter or a rule adopted
1-24 under this chapter shall be assessed a civil penalty. A civil
1-25 penalty under this chapter may not be less than \$100 or more than
1-26 \$500 for each violation and for each day of a continuing violation.
1-27 This subsection does not apply at an animal shelter operated by a
1-28 municipality.
1-29 (c) If it appears that a person has violated, is violating,
1-30 or is threatening to violate this chapter or a rule adopted under
1-31 this chapter, the county or municipality in which the violation
1-32 occurs may institute a civil suit in district court for:
1-33 (1) injunctive relief to restrain the person from
1-34 continuing the violation or threat of violation;
1-35 (2) the assessment and recovery of the civil penalty;
1-36 or
1-37 (3) both injunctive relief and the civil penalty.
1-38 (d) A bond is not required in an action brought under this
1-39 section.
1-40 SECTION 2. The change in law made by this Act applies only
1-41 to conduct that occurs on or after the effective date of this Act.
1-42 Conduct that occurs before the effective date of this Act is
1-43 governed by the law in effect at the time the conduct occurred, and
1-44 the former law is continued in effect for that purpose.
1-45 SECTION 3. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2009.

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