

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 2, 2009

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3004 by Coleman (Relating to animal shelter standards; providing a civil penalty.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to authorize a county to enforce standards established for operating an animal shelter, unless the animal shelter is operated by a municipality. The bill would establish a civil penalty of not less than \$100 nor more than \$500 for each violation and for each day of a continuing violation of the standards for operating an animal shelter.

In addition, a county or a municipality in which the violation occurs could institute a civil suit in district court to seek injunctive relief to restrain a person from continuing to commit a violation, to assess and recover the civil penalty, or both actions. If a county or a municipality prevails in court, they would be entitled to recover reasonable costs of investigating the violation, as well as reasonable attorney's fee and court costs.

The proposed change in law would apply only to conduct that occurs on or after the effective date of the bill. The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

Revenue gain from imposing a civil penalty would depend on the number of violations, the number of days the violation continues, and the judge's discretion in imposing the penalty. According to the DSHS, costs associated with implementing provisions of the bill could be absorbed within existing resources.

Local Government Impact

As indicated above, revenue gain would depend on the number of violations, the number of days the violation continues, and the judge's discretion in imposing a penalty. It is assumed that a local government could absorb any associated enforcement costs within existing resources.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, DB