

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 14, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

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 2nd House, Substituted

No 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. The subsection of the bill regarding the civil penalty would not apply at an animal shelter operated by a municipality.

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.

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.

Local Government Impact

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