

TML POSITION STATEMENT ON H.B. 3450

The Texas Municipal League agrees with the intent of H.B. 3450 but has serious concerns with the impact of certain provisions on cities, including the following:

- Sections 3, 6, and 14 fail to recognize the limited resources of some city shelters by: (1) prohibiting a shelter, in most instances, from selling, adopting, or giving away to a new owner any animal that has not been sterilized; (2) imposing mandatory holding periods for stray animals; and (3) dictating detailed euthanasia procedures. Sterilization requirements, holding periods, and euthanasia procedures should be left to the discretion of the individual shelter because they know best what capacity, staff, and equipment they have available.
- Section 5 takes away important tools that cities have to control feral cat populations by: (1) exempting “feral cat caregivers” from any provision of law proscribing the feeding of stray animals, requiring a permit to feed animals, requiring the confinement of cats, or limiting the number of animals a person can own or harbor; and (2) prohibiting, in most instances, a city shelter from lending, renting, or otherwise providing traps to the public to capture cats.
- Section 6 works to undermine policies cities have in place to control the feral cat population by allowing “feral cat caregivers” to redeem any feral cat from the shelter without conferring the responsibilities of ownership on the caregiver.
- Sections 6, 13, and 15 impose record retention requirements that may otherwise conflict with retention schedules that cities have in place by requiring that certain records be kept for a minimum amount of time.
- Sections 6 and 13 take away a city’s right to recover costs for responding to a public information request that the city may otherwise have under the Public Information Act by requiring that certain information be provided for inspection at no cost.
- Sections 6, 8, 9, 11, and 15 create costly and burdensome administrative duties for cities by: (1) creating extensive documentation and procedural requirements before euthanizing certain animals; (2) requiring the maintenance of a registry of organizations that will accept animals for adoption; (3) requiring the maintenance of a continuously updated list of animals that have been reported lost; (4) requiring the posting of all stray animals on the Internet; (5) requiring notification to an owner by phone, mail and personal service of a lost animal’s location; (6) requiring the provision of low-cost sterilization services and programs to decrease owner-relinquishment of animals; and (7) requiring preparation of monthly reports and summaries of those reports. These requirements amount to little more than unfunded mandates.
- Section 11 requires a city shelter to provide volunteer opportunities. Whether or not to use volunteers, in any aspect of city business, should be left for the city to determine as the use of volunteers always brings with it risks for increased liability.
- Section 12 fails to contemplate how the intended use of an animal is to be discerned by a city when it prohibits a city shelter from giving away animals for medical or biological teaching, research, or study.