

Georgia Shepherd

Subject: FW: Slaughterers Legislation
Attachments: Slaughterers Legislation.docx

From: Jim Shepherd [mailto:jim@jshepherdlaw.com]
Sent: Tuesday, September 28, 2010 3:08 PM
To: Keith Self Judge
Cc: Bill Bilyeu
Subject: FW: Slaughterers Legislation

Judge-

The attached Word document has the original wording of the slaughterers statute, and three alternatives to modify it.

Alt. 1 simply uses the "all or any portion" language in place of the word "contains"

Alt. 2 adds any county with a population in excess of 750,000 as a qualifying county. (my favorite. Direct, simple, and applies to 8 counties.)

Alt. 3 changes the two city language to three cities, with the same total population standard of 500,000, but as a total of three cities rather than 250k for each of two cities.

Many more options are available. If you want more counties covered, then propose alt .2, and adding to it counties that abut counties with 750k or more also qualify for regulations. I used 750 to pick up 8 counties. If you want to add Denton, you could drop Alt. 2 to 700,000.

Hope this helps.

Let me know what changes you need, or if you want it converted into a Bill.

Jim
James E. Shepherd
Shepherd Law Firm
1901 N. Central Expressway
Suite 200
Richardson, Texas 75080
972-234-3117
972-889-3827 (fax)

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SLAUGHTERERS LEGISLATION

TEXAS LOCAL GOVERNMENT CODE SECTION 234.031, et.sec.

Shown below is the text of the Slaughterers provisions of the Texas Local Government Code Sec. 234.031-.037. Following the complete text of the section are three proposed alternatives for legislative amendment of 234.032. If passed, any of the amendments would result in the provisions below applying to Collin County. Initial assumptions are that the state would use the 2000, rather than COG estimates or the 2010 census figures. The difference, for purposes of this proposal, is that Plano had less than the required 250,000 in population in 2000, and will have more than 250,000 under the 2010 census.

The second assumption is that the term in .032(1) "contains two or more municipalities with a population of 250,000 or more" means literally "contains" two such cities, or at least 250,000 of each city's population in Collin County. The proposed Alternative 1 below includes a change in which "contains" is replaced with "all or any portion" of two cities over 250,000. Doing so would qualify Collin County under the 2000 census. Denton County contains portions of both the City of Dallas, and the City of Fort Worth, and is contiguous to Collin County. Collin County would also qualify under the 2010 census by containing all or any portion of Plano and the City of Dallas.

The original version-----

SUBCHAPTER B. SLAUGHTERERS

Sec. 234.031. DEFINITION. In this subchapter, "slaughterer" has the meaning assigned by Section 148.001, Agriculture Code.

Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.061 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

Sec. 234.032. APPLICABILITY. This subchapter applies only in the unincorporated area of a county if the county:

- (1) contains two or more municipalities with a population of 250,000 or more; or
- (2) is a county adjacent to a county described by Subdivision (1).

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Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.062 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

Sec. 234.033. LOCATION OF SLAUGHTERER. The commissioners court of the county may prohibit the operations of a slaughterer:

(1) within 1,000 feet of a school or residence; or

(2) at any other location if the commissioners court finds that the operation of a slaughterer's business is incompatible with the existing land use of the neighboring area or would impose an undue hardship on persons residing or trading in the neighboring area.

Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.063 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

Sec. 234.034. PERMIT REQUIRED. The commissioners court may require that a slaughterer obtain a permit from the county before engaging in the slaughtering business in the county. The commissioners court may set a fee to be paid for a permit.

Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.064 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

Sec. 234.035. RULES. The commissioners court may adopt rules as necessary to administer this subchapter.

Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.065 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

Sec. 234.036. INJUNCTION. A district or county attorney may bring suit to enjoin the operations of a slaughterer in violation of this subchapter or a rule adopted by a county under this subchapter.

Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.066 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

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Sec. 234.037. OFFENSE. A person commits an offense if a person violates a provision of this subchapter or a rule adopted under this subchapter. An offense under this section is a Class C misdemeanor.

Added by Acts 1995, 74th Leg., ch. 1044, Sec. 1, eff. Sept. 1, 1995. Renumbered from Sec. 240.067 by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(7), eff. Sept. 1, 2001.

ALTERNATIVE 1 IS SUGGESTED AS A CLARIFICATION TO THE EXISTING STATUTE, RESOLVING WHETHER “CONTAINS” MEANS ALL, A PORTION OF, A MAJORITY OF, OR SOME OTHER MEASURE OF THE POPULATION, OR AREA, OF THE TWO CITIES.

Alternative 1

Sec. 234.032. APPLICABILITY. This subchapter applies only in the unincorporated area of a county if the county:

- (1) contains all or any portion of two or more municipalities with a population of 250,000 or more; or
- (2) is a county adjacent to a county described by Subdivision (1).

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ALTERNATIVE 2 IS A SUBSTANTIVE CHANGE, BUT MOVES AWAY FROM A COUNTY QUALIFYING ON CITY POPULATION, AND RELYS ON THE MORE DIRECT DEFINITION OF COUNTY POPULATION. TEXAS COUNTIES WITH POPULATIONS OVER 750,000 ARE BEXAR, COLLIN, DALLAS, TARRANT, EL PASO, HIDALGO (VERIFY), AND TRAVIS. THE PROPOSED SECTION 3 COULD ALSO INCLUDE COUNTIES ADJACENT TO IT, IF MORE COUNTIES ARE FELT TO BE AN ADVANTAGE IN GAINING SUPPORT FOR THE CHANGE.

Alternative 2.

Sec. 234.032. APPLICABILITY. This subchapter applies only in the unincorporated area of a county if the county:

- (1) contains two or more municipalities with a population of 250,000 or more; or
- (2) is a county adjacent to a county described by Subdivision (1), or

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(3) is a county with a population of 750,000 or more.

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ALTERNATIVE 3 EXTENDS THE THEORY THAT THE DENSLY POPULATED COUNTIES ARE THE ONES IN NEED OF THE AUTHORITY TO REGULATE, BASED ON THREE LARGE CITIES, RATHER THAN TWO.

Alternative 3.

Sec. 234.032. APPLICABILITY. This subchapter applies only in the unincorporated area of a county if the county:

(1) contains the majority of the incorporated area of three, or more municipalities with a combined population of 500,000 or more; or

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(2) is a county adjacent to a county described by Subdivision (1).

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