

BILL ANALYSIS

C.S.H.B. 633
By: King, Phil
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there is no mandatory training required for animal control officers in Texas. This bill would require animal control officers to receive basic training, as well as obtain regular continuing education, in order to ensure knowledgeable, humane, ethical, responsible behavior of all animal control officers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends the Health and Safety Code to require "animal control officers," as defined by the bill, to satisfactorily complete a 12-hour Basic Training Class by the Department of State Health Services (department) within one year from their employment date or complete a personnel training course on or before June 30, 2008, under Section 823.004 of the Health and Safety code, as it existed on that date. The bill further requires that animal control officers to complete 30 hours of continuing education every three years.

The bill also requires that the department prescribe the standards and curriculum for basic and continuing education of animal control courses, including what is considered satisfactory completion and what is a passing grade by December 1, 2007. However, the bill expressly states that the basic animal control course is to be at least 12 hours and requires the attendance of all sessions. Similarly, the bill lists the required curriculum topics for both the basic and continuing education courses; however, the bill requires the department to consult with the Texas Animal Control Association and other animal control protection organizations in developing and approving the curriculum. Furthermore, the bill requires the department to offer two Basic Training courses per year in each of its regions and 12 hours of continuing education in each region per year, as well as ensure available animal control courses through approved sponsors.

The bill also requires the department to issue a certificate to each person that satisfactorily completes a course and lists the requirements for the necessary information each certificate must contain. The department or its designee is authorized to charge a reasonable fee for the certificate. In addition, the bill requires that the department issue a certificate to an animal shelter inspected under 823.003, Health and Safety Code, or a quarantine or impoundment inspected under 826.052, Health and Safety Code.

Likewise, the bill requires the department to maintain the training records for each person that satisfactorily completes any of the offered courses, for the purpose of ensuring that the person is in compliance with the stated requirements.

The bill permits the department and any authorized animal control course sponsor to charge reasonable fees to cover the cost of arranging and conducting an animal control course. A political subdivision may require that an individual pay a fee for a course or certificate under this chapter.

The bill allows a person to sue for injunctive relief to prevent or restrain a substantial violation of chapter 829 of the Health and Safety Code.

The bill repeals Section 823.004 of the Health and Safety Code effective July 1, 2008, makes other conforming changes, as well as makes conforming changes to the Occupations Code.

EFFECTIVE DATE

This Act, except for Sections 829.002 and 829.009, takes effect September 1, 2007.

Sections 829.002 and 829.009 of the Health and Safety Code, as added by this Act, take effect July 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute clarifies the definition of an animal control officer in order to exempt peace officers from the requirements of the bill. The original does not exempt peace officers. The original bill uses the phrase "county or municipality." The substitute removes this phrase throughout the bill.

The substitute requires that the 12 hour Basic Training Class be completed within one year of the date of employment, rather than within 120 days that the original specifies. The substitute removes language that prevents a county or municipality from employing a person as an animal control officer that has not completed the training outlined in the bill; whereas the original bill requires that a county or municipality to terminate the service of a person as an animal control officer if the person does not meet the training requirements.

The original bill states that the department must provide initial training, continuing education, the tracking of credit hours, and the issuance of certificates. The substitute adds language to specify that a department designee can perform these functions. The substitute also reduces course offering requirements for the department from quarterly classes per year to at least two per year.

The original bill mentioned animal control course sponsors approved by the department, which may include the Texas Animal Control Association, the National Animal Control Association, and the Humane Society of the United States. The substitute removes the reference to the Humane Society.

The original bill stated that a person commits a Class B misdemeanor if the requirements of this bill are violated. The substitute removes the criminal penalty.

The substitute requires the issuance of a certificate by the department to shelters or facilities that are in compliance with this chapter as found by the inspections already required under Sections 823.003 and 826.052 of the Health and Safety Code. The original bill does not make this requirement.

The substitute adds language to expressly allow political subdivisions, if they so choose, to require course fees be paid by the individual; whereas the original does not have such language.

The substitute amends Section 823.003 of the Health and Safety Code by requiring each animal shelter operated in this state to comply with the standards for animal control officer training. The original does not make this requirement. The substitute also amends the Health and Safety Code by granting the department the authority, when conducting an inspection of animal shelters, to ensure compliance of animal control officer training requirements. The original does not grant this authority.