



# House of Representatives

General Assembly

**File No. 721**

*January Session, 2005*

Substitute House Bill No. 5932

*House of Representatives, May 5, 2005*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2006*) For the purposes of  
2 sections 2 to 5, inclusive, of this act:

3 (1) "Council" means the Connecticut Animal Control Officer  
4 Standards Training Council established pursuant to section 2 of this  
5 act;

6 (2) "Animal control officer" includes a regional animal control  
7 officer, assistant regional animal control officer and municipal animal  
8 control officer, as defined in section 22-327 of the general statutes, and  
9 an assistant municipal animal control officer.

10 Sec. 2. (NEW) (*Effective January 1, 2006*) (a) There is established a

11 Connecticut Animal Control Officer Standards Training Council for  
12 the purpose of establishing a program and procedures, within  
13 available appropriations, for the training, examination and certification  
14 of animal control officers.

15 (b) The council shall consist of seven members, one of whom shall  
16 be an employee of the Department of Agriculture, appointed by the  
17 Commissioner of Agriculture; one of whom shall be from the  
18 Connecticut Conference of Municipalities, appointed by the  
19 conference; one of whom shall be from the Council of Small Towns,  
20 appointed by the council; one of whom shall be a member of the  
21 Connecticut Police Chiefs Association, appointed by the president of  
22 the association; and three of whom shall be municipal animal control  
23 officers, appointed by the Commissioner of Agriculture. The council  
24 members shall serve without pay and shall be appointed initially as  
25 follows: Two members for one-year terms; two members for two-year  
26 terms and three members for three-year terms. The commissioner shall  
27 initially determine the term of each member, and thereafter two  
28 council members shall be appointed every two years for three-year  
29 terms.

30 (c) The council shall elect a chairperson from among the members  
31 and shall develop rules of procedure. The council shall meet at such  
32 times as the chairperson deems necessary. Special meetings shall be  
33 held at the request of a majority of the council.

34 Sec. 3. (NEW) (*Effective January 1, 2006*) (a) The council shall develop  
35 a training program, within available appropriations, for certification of  
36 animal control officers. The program shall consist of not less than forty  
37 hours of training including, but not limited to: (1) State and federal law  
38 of arrest, search and seizure; (2) state law relating to animals; (3) the  
39 basics of investigation; (4) report writing and record keeping; (5)  
40 shelter or pound standards; (6) disease recognition; (7) euthanasia  
41 policy; (8) ethics and professionalism in dealing with the public; (9)  
42 cruelty and neglect investigations, including, but not limited to, blood  
43 sports and cults; (10) animal bite and vicious animal investigations;

44 (11) officer safety and loss prevention; (12) animal care, identification,  
45 behavior, handling and capture and restraint techniques; (13) overview  
46 of the legal system, court structure and terminology; (14) warrants; (15)  
47 civil liability issues; and (16) for animal control officers employed by  
48 municipalities that permit officers to carry firearms, weapons training.

49 (b) The council shall develop a program, within available  
50 appropriations, for review training consisting of at least twenty-four  
51 hours of instruction on subjects including, but not limited to: Animal  
52 cruelty investigations, search and seizure, animal handling and the  
53 state law relating to animals.

54 (c) The council shall develop an examination, within available  
55 appropriations, designed to test proficiency in the subjects covered by  
56 the training program developed pursuant to subsection (a) of this  
57 section. The examination may be written, oral, practical or a  
58 combination thereof.

59 (d) The council may approve, reject or revoke approval of, any  
60 animal control officer training courses including, but not limited to,  
61 courses provided by the National Animal Control Association,  
62 American Humane Association or the Humane Society of the United  
63 States, for inclusion in the training programs developed pursuant to  
64 this section.

65 (e) The council may, from time to time, amend or alter the training  
66 programs and the examination it develops pursuant to this section.

67 Sec. 4. (NEW) (*Effective January 1, 2006*) (a) Each person appointed as  
68 an animal control officer shall be certified by the Commissioner of  
69 Agriculture and maintain certification in good standing pursuant to  
70 this section by the later of six months from (1) the date that the council  
71 develops its initial training program and examination, or (2) the date  
72 that the officer is appointed or reappointed. The provisions of section  
73 7-294d of the general statutes shall not apply to animal control officers  
74 appointed pursuant to section 22-328, 22-331 or 22-331a of the general  
75 statutes.

76 (b) No person shall serve as an animal control officer unless such  
77 person is certified by the council pursuant to section 3 of this act. The  
78 commissioner shall waive the requirement of satisfactory completion  
79 of the training requirements for candidates who have served as animal  
80 control officers in the state for a period of five years since July 1, 1991,  
81 and for candidates who demonstrate that they have training and  
82 experience that is substantially the equivalent of the course. The  
83 commissioner may not waive the requirement that candidates  
84 successfully pass the examination developed by the council pursuant  
85 to section 3 of this act.

86 (c) Notwithstanding any other provision of sections 1 to 5, inclusive,  
87 of this act, the commissioner may decline to issue a certificate if (1) the  
88 applicant falsified any document in order to obtain or renew the  
89 certificate, (2) the applicant has been convicted of a felony, (3) the  
90 applicant has been found not guilty of a felony by reason of mental  
91 disease or defect pursuant to section 53a-13 of the general statutes, (4)  
92 the applicant has been convicted of a violation of subsection (c) of  
93 section 21a-279 of the general statutes or section 29-9 of the general  
94 statutes, or (5) the applicant has been refused issuance of a certificate  
95 or similar authorization or has had a certificate or other similar  
96 authorization canceled or revoked by another jurisdiction on grounds  
97 that would authorize cancellation or revocation under the provisions  
98 of this subsection.

99 (d) Each animal control officer shall satisfactorily complete the  
100 council's review training every three years in order to maintain  
101 certification unless the commissioner, for good cause, grants the officer  
102 additional time, not to exceed one year, to complete the training.

103 (e) The commissioner may revoke any certificate if (1) the certificate  
104 was issued by administrative error, (2) the certificate was obtained  
105 through misrepresentation or fraud, (3) the holder falsified any  
106 document in order to obtain or renew any certificate, (4) the holder has  
107 been convicted of a felony, (5) the holder has been found not guilty of a  
108 felony by reason of mental disease or defect pursuant to section 53a-13

109 of the general statutes, (6) the holder has been convicted of a violation  
 110 of subsection (c) of section 21a-279 of the general statutes or section  
 111 29-9 of the general statutes, or (7) the holder has been refused issuance  
 112 of a certificate or similar authorization or has had the certificate or  
 113 other authorization canceled or revoked by another jurisdiction on  
 114 grounds that would authorize cancellation or revocation under the  
 115 provisions of this subsection. Whenever the commissioner believes  
 116 there is a reasonable basis for cancellation or revocation of the  
 117 certificate of an animal control officer, the commissioner shall give the  
 118 holder of the certificate notice and an opportunity for a hearing, in  
 119 accordance with the provisions of section 4-182 of the general statutes.  
 120 Any officer whose certification is revoked pursuant to this section may  
 121 reapply for certification no sooner than two years after the date on  
 122 which the revocation order becomes final.

123       Sec. 5. (NEW) (*Effective January 1, 2006*) (a) Animal control officer  
 124 certification shall expire (1) if the officer fails to satisfactorily complete  
 125 review training in accordance with sections 3 and 4 of this act, or (2)  
 126 after two years if the person has not been employed as a municipal  
 127 animal control officer during that period, unless such officer has been  
 128 on leave of absence.

129       (b) Upon reemployment as an animal control officer, such officer  
 130 shall apply for certification in a manner provided by sections 3 and 4 of  
 131 this act.

132       Sec. 6. (NEW) (*Effective January 1, 2006*) The Commissioner of  
 133 Agriculture may develop regulations, in accordance with the  
 134 provisions of chapter 54 of the general statutes, to implement the  
 135 provisions of sections 1 to 5, inclusive of this act, including, but not  
 136 limited to, establishing procedures for applying for certification as an  
 137 animal control officer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2006	New section

Sec. 2	<i>January 1, 2006</i>	New section
Sec. 3	<i>January 1, 2006</i>	New section
Sec. 4	<i>January 1, 2006</i>	New section
Sec. 5	<i>January 1, 2006</i>	New section
Sec. 6	<i>January 1, 2006</i>	New section

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Agriculture	GF - Cost	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	STATE MANDATE - Cost	See Below	See Below

### **Explanation**

Requiring the Commissioner of the Department of Agriculture (DOAG) to certify an estimated 300 local Animal Control Officers (ACOs) and administer the program requirements in the bill, will require the DOAG to hire a State Animal Control Officer for ½ year in FY 06 at a cost of \$27,500<sup>1</sup> plus fringe benefits and \$55,000 in FY 07 plus fringe benefits. A part time clerical at a cost of \$7,500 in FY 06 and \$15,000 in FY 07 will also be needed. The additional clerical can also provide assistance to the Council established in the legislation. Establishment of Connecticut Animal Control Officer Standards Training Council is anticipated to minimally increase costs to DOAG for reimbursement of necessary expenses, within budgetary resources. It is anticipated that the currently available National Animal Control Association (NACA) designed program of study for Pennsylvania can

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

be used by the State of Connecticut for its training program without much customization. This training program costs approximately \$1,500, for a week of training for each ACO, not including travel costs. Based on the requirements in the bill, there is additional course work that could be needed that is covered in another already designed program at a cost of \$500 per ACO. Total cost under this scenario would be approximately \$2,000 per ACO that required the training. The NACA courses are currently taught in Connecticut once a year. In addition, municipalities could incur costs due to a need to replace ACOs during their 2 weeks plus training. It is estimated that 75%-85% of the current ACOs have served 5 years and would not require the training course, but would need to be tested. The exact cost per town is not known at this time.

**OLR Bill Analysis**

sHB 5932

**AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS****SUMMARY:**

This bill requires the agriculture commissioner to certify regional, municipal, assistant regional, and assistant municipal animal control officers (hereafter local ACOs). The bill requires local ACOs to (1) have experience or complete training, (2) pass an exam to be certified, and (3) satisfactorily complete review training every three years to maintain certification. It establishes a council to create training and review training programs and a certification exam for local ACOs. Existing law requires towns to have ACOs, but does not require training or certification.

The bill allows the agriculture commissioner to (1) develop regulations regarding the training and certification of local ACOs, including establishing procedures for applying for certification as a local ACO, and (2) refuse to certify a local ACO or revoke his certification for various reasons.

EFFECTIVE DATE: January 1, 2006

**ACO CERTIFICATION**

The bill requires anyone appointed as a local ACO to (1) receive training or have a certain amount of experience and to pass a test to be certified by the commissioner and (2) maintain the certification in good standing. Local ACOs required to receive training must be certified six months from the date that the council develops its initial training program and examination or the date that the officer is appointed or reappointed, whichever is later.

**Waiver**

The commissioner must waive the requirement of satisfactory

completion of the training requirements for candidates who (1) have served as local ACOs in the state for five years since July 1, 1991 and (2) for candidates who demonstrate that they have training and experience that is substantially the course's equivalent. The commissioner may not waive the requirement that candidates successfully pass the required exam to be certified.

***Jurisdiction***

The bill specifies that the Police Officer Standards and Training Council has no jurisdiction over state or local ACOs.

***Denial or Revocation***

The commissioner may decline to issue a certificate if the applicant:

1. falsified any document in order to obtain or renew the certificate,
2. has been convicted of a felony,
3. was found not guilty of a felony by reason of mental disease or defect,
4. has been convicted of a violation of illegal drug possession or law concerning influencing a police officer, or
5. has been denied a certificate or similar authorization or has had one canceled or revoked by another jurisdiction on any of the above grounds.

The commissioner may revoke any certificate if:

1. it was issued by administrative error,
2. it was obtained through misrepresentation or fraud,
3. the holder falsified any document in order to obtain or renew it,
4. the holder has been convicted of a felony,

5. the holder has been found not guilty of a felony by reason of mental disease or defect,
6. the holder has been convicted of a violation of illegal drug possession or law concerning influencing a police officer, or
7. the holder has been denied a certificate or similar authorization or has had one canceled or revoked by another jurisdiction as above.

When the commissioner believes there is a reasonable basis for canceling or revoking a local ACO's certification, he must notify the ACO and provide an opportunity for a hearing. Any officer whose certification is revoked may not reapply for at least two years after the date on which the revocation order becomes final.

### ***Expiration***

Certification expires (1) if the local ACO fails to satisfactorily complete the required review training or (2) after two years when the person has not been employed as a municipal ACO during that period, unless such officer has been on leave of absence. The latter cause for expiration appears to exclude regional ACOs.

When a local ACO is reemployed, he must apply for certification.

## **CONNECTICUT ANIMAL CONTROL OFFICER STANDARDS TRAINING COUNCIL**

The bill establishes the Connecticut Animal Control Officer Standards Training Council. The council must create a program and procedures, within available appropriations, for the training, examination and certification of animal control officers.

### ***Members***

This council consists of seven members:

1. an employee of the Department of Agriculture, appointed by the commissioner;

2. a person from the Connecticut Conference of Municipalities, appointed by the conference;
3. a person from the Council of Small Towns, appointed by the council;
4. a member of the Connecticut Police Chiefs Association, appointed by the association president; and
5. three municipal ACOs, appointed by the commissioner.

The members, who serve without pay, are appointed as follows: two members for one-year terms, two members for two-year terms, and three members for three-year terms. The agriculture commissioner must initially determine members' terms, and thereafter two council members are appointed every two years for three-year terms.

The council elects a chairperson from its members and must develop procedural rules. The council meets whenever the chairperson deems it necessary. It must hold special meetings at the request of a majority of the council.

### ***Council's Duties***

The council must develop a training program, within available appropriations, for certifying local ACOs. It must also develop, within available appropriations, a review training program. It may approve, and reject or revoke approval of, any local ACO training courses, including those provided by the National Animal Control Association, the American Humane Association, or the Humane Society of the United States, for inclusion in the training programs.

The council must develop an examination, also within available appropriations, to test proficiency in the subjects covered in its training program. The examination may be written, oral, practical, or a combination of them.

The council may amend or alter the training programs and the examination.

### **TRAINING**

The bill mandates that the training program the council develops consist of at least 40 hours of training that includes:

1. state and federal law of arrest, search, and seizure;
2. state law relating to animals;
3. the basics of investigation;
4. report writing and record keeping;
5. shelter or pound standards;
6. disease recognition;
7. euthanasia policy;
8. ethics and professionalism in dealing with the public;
9. cruelty and neglect investigations, including blood sports and cults;
10. animal bite and vicious animal investigations;
11. officer safety and loss prevention;
12. animal care, identification, behavior, handling and capture and restraint techniques;
13. overview of the legal system, court structure and terminology;
14. warrants;
15. civil liability issues; and
16. weapons training for local ACOs employed by municipalities that permit them to carry firearms.

The bill requires a review training program, which consists of at least 24 hours of instruction on subjects including, animal cruelty investigations, search and seizure, animal handling, and the state animal law. ACOs must satisfactorily complete review training every

three years to maintain certification, unless the commissioner grants the officer, for good cause, additional time, not to exceed one year, to complete the training.

**BACKGROUND**

**ACOs**

By law, each municipality of more than 25,000 people must have a full-time, local animal control officer. Towns with fewer than 25,000 people must have local animal control officers, but they need not be full-time. Any two or more contiguous towns with a population of less than 25,000 that have or will have a dog pound facility within their region, by action of heir legislative bodies, may agree to be served by a regional ACO.

By law, animal control officers may act to prevent acts of cruelty upon any animal; take into custody any neglected or cruelly treated animal; and arrest people for violating any law relating to dogs or domestic animals.

***Legislative History***

The House referred the bill (File 286) to the Planning and Development Committee on April 19. On April 27, the committee reported a substitute that requires, instead of allows, the commissioner to waive training requirements for ACOs with certain experience.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report  
Yea 21 Nay 7

Planning and Development Committee

Joint Favorable Substitute  
Yea 15 Nay 1