

SUBJECT: Delegating county commissioners' authority to regulate wild animals

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Lewis, W. Smith, Casteel, Chisum, Flynn, Olivo, Quintanilla

0 nays

2 absent — Farabee, Farrar

SENATE VOTE: On final passage, May 8 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Until September 1, 1997, the Texas Parks and Wildlife Department (TPWD) regulated the ownership of dangerous wild animals under Parks and Wildlife Code, ch. 12G. The law required an owner of a dangerous animal to obtain a permit from TPWD and to comply with statutes regarding the animal's care and confinement. In 1995, the Legislature enacted HB 239 by Goodman, et al., repealing chapter 12G, primarily for lack of TPWD resources. Local Government Code, sec. 240.002 authorizes a county commissioners court to prohibit or regulate the keeping of a wild animal in the county. The order cannot apply inside the limits of a municipality.

Under Health and Safety Code, ch. 121, a county or municipality may establish a public health district. Such a district may perform any public health function that any of its members — counties and municipalities — may perform, unless otherwise restricted by law.

DIGEST: SB 708 would authorize a county commissioners court to delegate its authority to prohibit or regulate the keeping of a wild animals in the county to a county health department or a public health district.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

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**SUPPORTERS  
SAY:**

SB 708 simply would allow a county to delegate to its health department or a public health district duties related to regulating wild animals. The bill would not affect the basic governing authority of counties.

County health officials and law enforcement already are largely responsible for formulating and enforcing regulations for wild animal ownership. County health districts sometimes receive federal grants that are contingent on their independent rulemaking functions, which state law authorizes. SB 708 would help ensure that counties do not threaten the independence of health districts by ordering them to enforce county regulations, but instead would explicitly authorize counties to delegate to the health districts enforcement of regulations governing wild animal ownership.

**OPPONENTS  
SAY:**

The Legislature should restore TPWD's authority to regulate ownership of dangerous wild animals. The previous statute provided effective and uniform enforcement that efficiently regulated ownership of these animals for the benefit of the public as well as of the animals. Repeal of the statute created a patchwork of regulation that has burdened local officials with solving an unfamiliar problem and has allowed offenders to move between counties to avoid compliance with local law.