

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Prozanski, Walker, Burdick

Nays: Beyer, Kruse

Exc.: 0

Prepared By: Matt Kalmanson, Counsel

Meeting Dates: 2/12, 4/26

WHAT THE MEASURE DOES: Clarifies that the Governor may commission “humane special agents,” upon request by a “Humane Investigation Agency,” and that the Governor may, for any reason, decommission or refuse to commission a humane special agent. Establishes that humane special agents have the powers of peace officers to enforce animal welfare laws. Defines “Humane Investigation Agency” (Humane Agency) to mean a private, nonprofit animal care agency that has maintained an animal welfare department for at least five years and has had employees commissioned as special agents by the Governor. Provides that Humane Agencies must pay the expenses of, and be civilly responsible for, humane special agents. Requires Humane Agency to contract with the state, and that the contract may contain provisions relating to standards of conduct, indemnification, and insurance.

ISSUES DISCUSSED:

- The history, work, powers and training of humane special agents
- Animal welfare laws
- Governor’s power to commission special agents
- Responsibilities of Humane Investigation Agencies

EFFECT OF COMMITTEE AMENDMENT: Replaces the bill.

BACKGROUND: Some animal assistance organizations employ humane investigators who assist authorities in investigating and prosecuting animal welfare crimes. ORS 131.805 gives the Governor the authority to employ “special agents to affect the apprehension and conviction of criminals . . . [and] the investigation of cases in which the Governor believes the laws of the state are being violated. . . .” The Governor, for many years, has commissioned humane special agents to investigate animal welfare crimes, and has contracted with organizations like the Oregon Human Society to pay for their services and indemnify the government for any potential misconduct. According to the Oregon Human Society, these agents investigate almost 1,000 cases of criminal animal neglect, abuse and abandonment a year.

SB 406 A would create a specific statute relating to the Governor’s authority to commission humane special agents. The agents would have police powers to enforce animal welfare laws. It would require the humane agencies to cover the cost of the agents and be civilly liable for any abuse of the agent’s authority. Finally, it would require the state to contract with these organizations before any commission becomes effective.