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From: Robert E. Babcock <rbabcock@hwb-law.com>
To: rep.tinakotek <rep.tinakotek@state.or.us>
Sent: Tue, Jul 2, 2013 10:09 am
Subject: Senate Bill 6

Dear Speaker Kotek:

I write in opposition to Senate Bill 6 and to urge you to assure that SB 6 does not become law without first providing “animal rescue entities” – the subjects of Sections 10 and 11 – an opportunity to be heard. Their views were not considered while the Bill was pending in the Senate. In fact, the chief sponsor’s policy analyst has made it clear that dropping all opposition to the Bill was the price for being heard.

I have practiced law in Oregon for over 40 years and, as my *pro bono* commitment to the profession, have devoted thousands of hours to the goal of protecting the rights of animals, animal owners, and people dedicated to the welfare of animals entrusted to their care. The fundamental problem with Sections 10 and 11 of the Senate Bill is that those provisions purport to give broadly defined “enforcing agencies” the authority to conduct warrantless inspections of the homes of licensed small animal rescues upon receipt of “a complaint.” There is no provision for an independent assessment of the complainant’s credibility, not even a requirement that the complainant be identified. In my judgment, the vast majority of small animal rescue entities that are targeted by Sections 10 and 11 are heroic, wholly undeserving of the Bill’s linkage with people already subject to prosecution under existing laws for animal abuse and neglect. Instead, these small independent entities are responsible for saving the lives of thousands of animals doomed by the policies and practices of the same county agencies and large well-funded organizations that will likely seek to be designated “enforcing agencies.”

The message from the chief sponsor’s policy analyst conditioning any post-enactment participation upon current silence acknowledged that “small rescues were not consulted in the writing of [SB 6]” and that, because “legislation is often not perfect the first go around,” the Bill could be subsequently “tighten[ed] up to target bad actors more specifically.” The time to properly target the “bad actors” and consult with those most knowledgeable about the issues should precede – not follow – enactment. Please assure that these critical stakeholders are given an opportunity to express their views before Senate Bill 6 is allowed to become law. In its current form, SB 6 will do more harm than good.

Robert E. Babcock
Holmes Weddle & Barcott, P.C.
310 North State Street, Suite 200
Lake Oswego, OR 97034

phone: 503.594.1347
fax: 503.496.5796
cell: 503.317.0312