

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 378
CARRIER: Sen. Burdick

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 03/18/15

Action: Do Pass.

Meeting Dates: 02/11, 03/18

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Defines “boarding kennel” and includes definition under exemption for “keeper.” Provides license fee exemption for animals considered “inventory.”

ISSUES DISCUSSED:

- *Crook County v. Whitmore*, VI20090 (2012)
- Ambiguity of ORS 609.035
- Definition of “kenneling”
- Effect of Crook County Court’s interpretation of ORS 609.035
- Nuisances created by dog breeding facilities
- Remedies for nuisance and process

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Current Oregon law defines the term “boarding kennel” as a business providing short-term care for dogs. This language is used in multiple ORS sections, specifically in ORS 167.374 and ORS 167.376 addressing dog breeders. The statutes governing dog control laws do not define boarding kennel, but do include language addressing “a licensed business primarily intended to obtain a profit from the kenneling of dogs” and dogs “kept primarily in kennels.”

Senate Bill 378 inserts the same definition for “boarding kennel” as is found in other ORS sections – “a facility that provides care for a fee to dogs that stay at the facility an average of less than 30 days.” It also repeals the language regarding licensed businesses and dogs kept primarily in kennels. Additionally, Senate Bill 378 clarifies the definition of “keeper” and adds an exception for boarding kennels and clarifies that license fee exemptions apply to dogs that are considered inventory under ORS 307.400.