

Requested by Representative LEVY B

**PROPOSED AMENDMENTS TO
HOUSE BILL 4034**

1 On page 1 of the printed bill, delete lines 4 through 26 and delete page
2 2.

3 On page 3, delete lines 1 through 19 and insert:

4 **“SECTION 1.** ORS 609.415 is amended to read:

5 “609.415. (1) As used in this section and ORS 609.420:

6 “(a) ‘Animal’ means any nonhuman mammal, bird, reptile[,] **or** amphibian
7 [*or fish*].

8 “(b) ‘Animal rescue entity’:

9 **“(A)** Means an individual or organization, including but not limited to
10 an animal control agency, humane society, animal shelter, animal sanctuary
11 or boarding kennel not subject to ORS 167.374, [*but excluding a veterinary*
12 *facility,*] that keeps, houses and maintains **animals** in the individual’s or
13 organization’s legal custody [*10 or more animals*], whether physically located
14 at a facility operated by the individual or organization or kept, housed or
15 maintained elsewhere, and that solicits or accepts donations in any form.

16 **“(B) Does not mean a veterinary facility as defined in ORS 686.010.**

17 “[*(c) ‘Enforcing agency’ means the State Veterinarian.*]

18 “(2) [*Any*] **An** animal rescue entity shall [*comply with all of the following*
19 *record-keeping requirements*]:

20 “(a) Maintain a record for each animal [*that identifies:*] **in the legal**
21 **custody of the animal rescue entity, in compliance with rules adopted**

1 **by the State Department of Agriculture pursuant to subsection (6)(a)**
2 **of this section.**

3 “[*(A) The date of birth for the animal or, if the date of birth is unknown,*
4 *the approximate age of the animal;*]

5 “[*(B) The date the animal rescue entity acquired possession, control or*
6 *charge of the animal and the source of the animal;*]

7 “[*(C) The number of offspring the animal produced while in the possession*
8 *or control of the animal rescue entity, if applicable;*]

9 “[*(D) The disposition the animal rescue entity makes of each animal pos-*
10 *sessed by, controlled by or in the charge of the animal rescue entity, including*
11 *the date of disposition, manner of disposition and the name and address for*
12 *any individual or organization taking possession, control or charge of an ani-*
13 *mal;*]

14 “[*(E) The source of the animal, date of acquisition, age, sex, breed type and*
15 *weight of the animal at intake; and*]

16 “[*(F) A photograph of the animal taken within 24 hours of intake by the*
17 *animal rescue entity.*]

18 “(b) Permit an authorized representative of the [*enforcing agency*] **de-**
19 **partment** to inspect records of the animal rescue entity required by this
20 subsection and furnish **any** reports and information required by the [*enforc-*
21 *ing agency, as provided under ORS 609.420.*] **department if the department:**

22 “**(A) Conducts an on-site investigation of the premises of the animal**
23 **rescue entity pursuant to ORS 609.420; or**

24 “**(B) Audits the animal rescue entity pursuant to rules described in**
25 **subsection (6)(b) of this section.**

26 “(3) An animal rescue entity **that keeps, houses and maintains 10 or**
27 **more animals in the legal custody of the animal rescue entity for more**
28 **than two consecutive business days** shall [*comply with the following li-*
29 *censing requirements*]:

30 “(a) [*The entity shall*] Obtain a license issued by the [*enforcing agency*]

1 **department** in accordance with this section and [any] rules [or policies]
2 adopted by the [enforcing agency] **department**; and

3 “(b) [The entity shall] Pay a reasonable fee, as determined by the [enforc-
4 ing agency] **department**, for a license or an annual renewal of the license
5 to provide for the actual cost of enforcing this section and ORS 609.420.

6 “[*(4) The enforcing agency may not issue or renew a license under this*
7 *section unless the animal rescue entity is in compliance with this section and*
8 *ORS 609.420.*]

9 “[*(5) An animal rescue entity may transfer a license issued under this sec-*
10 *tion to another person with the written consent of the enforcing agency, pro-*
11 *vided that the transferee otherwise qualifies to be licensed as an animal rescue*
12 *entity under this section and rules applicable to the transferee and does not*
13 *have a certified unpaid debt to the state. The transferee shall submit a signed*
14 *release to the enforcing agency permitting the performance of a background*
15 *investigation of the transferee, and the enforcing agency shall conduct the*
16 *background investigation.*]

17 “[*(6) An applicant for a license issued under this section shall demonstrate*
18 *that the animal rescue entity that is the subject of the application complies*
19 *with all standards imposed under applicable law.*]

20 “[*(7) Any animal rescue entity is subject to inspection by the enforcing*
21 *agency as provided in ORS 609.420.*]

22 “[*(8)(a)*] (4) A violation of this section may result in imposition of civil
23 penalties to be determined by the [enforcing agency] **department**, including
24 but not limited to [impoundment of all animals under the animal rescue’s
25 control,] the **denial, suspension or** revocation of the animal [rescue’s] **res-**
26 **cue entity’s** license [to operate animal rescue operations] **under this section**
27 and a civil penalty of not more than \$500 for each violation.

28 “[*(b) Before a civil penalty may be imposed under this section, the enforcing*
29 *agency shall adopt rules or policies that:*]

30 “[*(A) Ensure that a person who is the subject of an alleged violation re-*

1 *ceives notice of the allegations and potential imposition of civil penalties;]*

2 *“[(B) Allow for an opportunity for a hearing prior to the imposition of civil*
3 *penalties; and]*

4 *“[(C) Allow for the opportunity for judicial review of the imposition of civil*
5 *penalties.]*

6 *“[(9)] (5) Moneys [raised] **received** by the [enforcing agency under] **de-***
7 ***partment pursuant to** this section are dedicated to and shall be used for*
8 *[enforcing agency operations undertaken pursuant to] **implementing** this*
9 *section and ORS 609.420.*

10 ***“(6) The department shall adopt rules to implement this section,***
11 ***including rules that:***

12 ***“(a) Require an animal rescue entity to maintain a record for each***
13 ***animal in the legal custody of the animal rescue entity;***

14 ***“(b) Establish a process for auditing animal rescue entities that***
15 ***incorporates consideration of the compliance histories of the animal***
16 ***rescue entities;***

17 ***“(c) Establish licensing requirements for animal rescue entities;***

18 ***“(d) Ensure that an animal rescue entity that is the subject of an***
19 ***alleged violation is notified of the allegations and of the potential im-***
20 ***position of civil penalties under this section through a notice that***
21 ***complies with ORS 183.415;***

22 ***“(e) Allow an animal rescue entity to have an opportunity for a***
23 ***hearing prior to the imposition of civil penalties under this section;***
24 ***and***

25 ***“(f) Allow an animal rescue entity to have an opportunity for judi-***
26 ***cial review of the imposition of civil penalties.***

27 ***“(7) Consistent with the rulemaking procedures set forth in ORS***
28 ***chapter 183, in developing rules to implement this section, the de-***
29 ***partment shall solicit and review input from:***

30 ***“(a) Animal rescue entities located in rural areas of this state;***

