

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended, Be Printed Engrossed and Rescind Subsequent Referral to Ways and Means
<b>Vote:</b>	6 - 1 - 3
<b>Yeas:</b>	Hicks, Schaufler, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	Tomei
<b>Exc.:</b>	Garrett, Nolan, Olson
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	2/9, 2/13, 2/14

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**WHAT THE MEASURE DOES:** Requires the Superintendent of State Police to commission employees of a humane society as humane special agents if the employee is certified by the Department of Public Safety Standards and Training and the agent furnishes the State Police with a copy of an insurance policy sufficient to satisfy any tort claims against the agent. Allows the Superintendent to revoke the commission if the agent is no longer working for a humane society or has abused the commission. Requires special agents to work cooperatively with law enforcement and requires them to defer to law enforcement. Limits the special agent to enforcing “animal welfare laws.” Grants the special agents the same powers as police officers when enforcing “animal welfare laws.” Allows the Superintendent to adopt rules concerning when a humane special agent may carry a firearm while acting as a humane special agent. Removes humane special agents from provisions that allow law enforcement to conduct wiretap investigations or to tape a conversation without a court order.

**ISSUES DISCUSSED:**

- Possession of firearm while on the job
- Superintendent of State Police will issue commissions for humane special agents rather than Governor.
- Humane Society will indemnify State Police and maintain sufficient insurance.
- Minimal fiscal

**EFFECT OF COMMITTEE AMENDMENT:** Removes humane special agents from provisions that allow law enforcement to conduct wiretap investigations or to tape a conversation without a court order. Clarifies that the humane investigation agency agrees in writing to hold harmless the State of Oregon for claims made as a result of the agency exercising its limited police powers. Removes the requirement that a humane special agent must provide assistance to a law enforcement agency if so requested.

**BACKGROUND:** Currently the Governor can appoint special agents, ORS 131.805. He has used this authority to appoint employees of humane societies as special agents for the purposes of assisting law enforcement in enforcing Oregon’s “animal welfare laws.”