

CONFERENCE COMMITTEE AMENDMENTS TO B-ENGROSSED HOUSE BILL 3283

June 27

Amended Summary

Amends findings by Legislative Assembly regarding provision of care and treatment for impounded or seized animals. Revises provisions regarding defendant's payment of costs to provide animal with minimum care.

Prohibits person convicted of animal neglect in the first degree or animal neglect in the second degree from possessing certain animals for period of 15 years after conviction if crime of conviction was felony. Allows reduction in prohibition period if convicted person successfully completes mental health treatment approved by court.

Clarifies that person convicted of possessing animal in violation of prohibition may be further prohibited from possessing certain animals as condition of probation.

Amends definition of "livestock" for purposes of certain statutes involving offenses against animals.

Amends Insurance Code definition of "insurance" to exclude contracts for lease or rental of animal under which owner retains obligation to provide for veterinary care or other need of animal.

Declares emergency, effective on passage.

Speaker Kotek:

Your Conference Committee to whom was referred B-engrossed House Bill 3283, having had the same under consideration, respectfully reports it back with the recommendation that the Senate recede from the Senate amendments dated May 24 and that the A-engrossed bill be amended as follows and repassed.

1 On page 1 of the printed A-engrossed bill, line 2, delete the first "and" and after "167.305," de-
2 lete the rest of the line and insert "167.310, 167.332, 167.350 and 731.102; and declaring an emer-
3 gency."

4 On page 2, after line 3, insert:

5 "**SECTION 2.** ORS 167.310 is amended to read:

6 "167.310. As used in ORS 167.310 to 167.351:

7 "(1) 'Adequate bedding' means bedding of sufficient quantity and quality to permit a domestic
8 animal to remain dry and reasonably clean and maintain a normal body temperature.

9 "(2)(a) 'Adequate shelter' includes a barn, doghouse or other enclosed structure sufficient to
10 protect a domestic animal from wind, rain, snow or sun, that has adequate bedding to protect
11 against cold and dampness and that is maintained to protect the domestic animal from weather and
12 physical injury.

13 "(b) 'Adequate shelter' does not include:

14 "(A) Crawl spaces under buildings or parts of buildings, such as steps, decks or stoops;

15 "(B) The space under a vehicle;

16 "(C) The inside of a vehicle if the domestic animal is kept in the vehicle in a manner or for a
17 length of time that is likely to be detrimental to the domestic animal's health or safety;

18 "(D) Shelters made from cardboard or other materials that are easily degraded by the elements;

19 "(E) Animal carriers or crates that are designed to provide temporary housing;

1 “(F) Shelters with wire or chain-link floors, unless the domestic animal is a bird; or
2 “(G) Shelters surrounded by waste, debris, obstructions or impediments that could adversely af-
3 fect an animal’s health.
4 “(3) ‘Animal’ means any nonhuman mammal, bird, reptile, amphibian or fish.
5 “(4) ‘Domestic animal’ means an animal, other than livestock or equines, that is owned or pos-
6 sessed by a person.
7 “(5) ‘Equine’ means a horse, pony, donkey, mule, hinny, zebra or a hybrid of any of these ani-
8 mals.
9 “(6) ‘Good animal husbandry’ includes, but is not limited to, the dehorning of cattle, the docking
10 of horses, sheep or swine, and the castration or neutering of livestock, according to accepted prac-
11 tices of veterinary medicine or animal husbandry.
12 “(7) ‘Law enforcement animal’ means a dog or horse used in law enforcement work under the
13 control of a corrections officer, parole and probation officer, police officer or youth correction offi-
14 cer, as those terms are defined in ORS 181A.355, who has successfully completed at least 360 hours
15 of training in the care and use of a law enforcement animal, or who has passed the demonstration
16 of minimum standards established by the Oregon Police Canine Association or other accredited and
17 recognized animal handling organization.
18 “(8)(a) ‘Livestock,’ **except as provided in paragraph (b) of this subsection**, has the meaning
19 provided in ORS 609.125.
20 “**(b) ‘Livestock’ does not include psittacines.**
21 “(9) ‘Minimum care’ means care sufficient to preserve the health and well-being of an animal
22 and, except for emergencies or circumstances beyond the reasonable control of the owner, includes,
23 but is not limited to, the following requirements:
24 “(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body
25 weight.
26 “(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal’s
27 needs. Access to snow or ice is not adequate access to potable water.
28 “(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access
29 to adequate shelter.
30 “(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from
31 injury, neglect or disease.
32 “(e) For a domestic animal, continuous access to an area:
33 “(A) With adequate space for exercise necessary for the health of the animal;
34 “(B) With air temperature suitable for the animal; and
35 “(C) Kept reasonably clean and free from excess waste or other contaminants that could affect
36 the animal’s health.
37 “(f) For a livestock animal that cannot walk or stand without assistance:
38 “(A) Humane euthanasia; or
39 “(B) The provision of immediate and ongoing care to restore the animal to an ambulatory state.
40 “(10) ‘Physical injury’ means physical trauma, impairment of physical condition or substantial
41 pain.
42 “(11) ‘Physical trauma’ means fractures, cuts, punctures, bruises, burns or other wounds.
43 “(12) ‘Possess’ has the meaning provided in ORS 161.015.
44 “(13) ‘Serious physical injury’ means physical injury that creates a substantial risk of death or
45 that causes protracted disfigurement, protracted impairment of health or protracted loss or impair-

1 ment of the function of a limb or bodily organ.

2 “(14)(a) ‘Tethering’ means to restrain a domestic animal by tying the domestic animal to any
3 object or structure by any means.

4 “(b) ‘Tethering’ does not include using a handheld leash for the purpose of walking a domestic
5 animal.”.

6 In line 4, delete “2” and insert “3”.

7 On page 3, line 17, delete “3” and insert “4”.

8 On page 4, after line 7, insert:

9 “**SECTION 5.** ORS 731.102 is amended to read:

10 “731.102. (1) ‘Insurance’ means a contract whereby one undertakes to indemnify another or pay
11 or allow a specified or ascertainable amount or benefit upon determinable risk contingencies.

12 “(2) ‘Insurance’ so defined includes annuities.

13 “(3) ‘Insurance’ so defined includes a contract under which one other than a manufacturer,
14 builder, seller or lessor of the subject property undertakes to perform or provide, for a fixed term
15 and consideration, repair or replacement service or indemnification therefor for the operational or
16 structural failure of specified real or personal property or property components. Insurance does not
17 include contracts with a telecommunications utility as defined in ORS 759.005, for repair, replace-
18 ment or maintenance of customer-owned inside wiring.

19 “(4) ‘Insurance’ so defined does not include a contract under which an owner rents or
20 leases an animal to a person or to a public body, as defined in ORS 174.109, if the owner re-
21 tains an obligation to provide for veterinary care or other needs of the animal.”.

22 In line 8, delete “4” and insert “6” and delete “2” and insert “3”.

23 In line 10, delete “5” and insert “7” and delete “3” and insert “4”.

24 After line 11, insert:

25 “**SECTION 8.** The amendments to ORS 731.102 by section 5 of this 2017 Act apply to
26 contracts entered into before, on or after the effective date of this 2017 Act.

27 “**SECTION 9.** This 2017 Act being necessary for the immediate preservation of the public
28 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
29 on its passage.”.

30 /s/ Jeff Barker
31 Representative

32 /s/ Susan McLain
33 Representative

34 /s/ Sherrie Sprenger
35 Representative

36 /s/ Floyd Prozanski
37 Senator

38 /s/ Dennis Linthicum
39 Senator

40 /s/ James Manning, Jr.
41 Senator
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