

**PROPOSED CONFERENCE COMMITTEE AMENDMENTS TO
B-ENGROSSED HOUSE BILL 3283**

1 On page 1 of the printed A-engrossed bill, line 2, delete the first “and”
2 and after “167.305,” delete the rest of the line and insert “167.310, 167.332,
3 167.350 and 731.036; and declaring an emergency.”.

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
8 to permit a domestic animal to remain dry and reasonably clean and main-
9 tain a normal body temperature.

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

15 “(b) ‘Adequate shelter’ does not include:

16 “(A) Crawl spaces under buildings or parts of buildings, such as steps,
17 decks or stoops;

18 “(B) The space under a vehicle;

19 “(C) The inside of a vehicle if the domestic animal is kept in the vehicle
20 in a manner or for a length of time that is likely to be detrimental to the
21 domestic animal’s health or safety;

22 “(D) Shelters made from cardboard or other materials that are easily de-

1 graded by the elements;

2 “(E) Animal carriers or crates that are designed to provide temporary
3 housing;

4 “(F) Shelters with wire or chain-link floors, unless the domestic animal
5 is a bird; or

6 “(G) Shelters surrounded by waste, debris, obstructions or impediments
7 that could adversely affect an animal’s health.

8 “(3) ‘Animal’ means any nonhuman mammal, bird, reptile, amphibian or
9 fish.

10 “(4) ‘Domestic animal’ means an animal, other than livestock or equines,
11 that is owned or possessed by a person.

12 “(5) ‘Equine’ means a horse, pony, donkey, mule, hinny, zebra or a hybrid
13 of any of these animals.

14 “(6) ‘Good animal husbandry’ includes, but is not limited to, the dehorn-
15 ing of cattle, the docking of horses, sheep or swine, and the castration or
16 neutering of livestock, according to accepted practices of veterinary medicine
17 or animal husbandry.

18 “(7) ‘Law enforcement animal’ means a dog or horse used in law enforce-
19 ment work under the control of a corrections officer, parole and probation
20 officer, police officer or youth correction officer, as those terms are defined
21 in ORS 181A.355, who has successfully completed at least 360 hours of
22 training in the care and use of a law enforcement animal, or who has passed
23 the demonstration of minimum standards established by the Oregon Police
24 Canine Association or other accredited and recognized animal handling or-
25 ganization.

26 “(8)(a) ‘Livestock,’ **except as provided in paragraph (b) of this sub-**
27 **section,** has the meaning provided in ORS 609.125.

28 “(b) ‘Livestock’ **does not include psittacines.**

29 “(9) ‘Minimum care’ means care sufficient to preserve the health and
30 well-being of an animal and, except for emergencies or circumstances beyond

1 the reasonable control of the owner, includes, but is not limited to, the fol-
2 lowing requirements:

3 “(a) Food of sufficient quantity and quality to allow for normal growth
4 or maintenance of body weight.

5 “(b) Open or adequate access to potable water in sufficient quantity to
6 satisfy the animal’s needs. Access to snow or ice is not adequate access to
7 potable water.

8 “(c) For a domestic animal other than a dog engaged in herding or pro-
9 tecting livestock, access to adequate shelter.

10 “(d) Veterinary care deemed necessary by a reasonably prudent person to
11 relieve distress from injury, neglect or disease.

12 “(e) For a domestic animal, continuous access to an area:

13 “(A) With adequate space for exercise necessary for the health of the
14 animal;

15 “(B) With air temperature suitable for the animal; and

16 “(C) Kept reasonably clean and free from excess waste or other contam-
17 inants that could affect the animal’s health.

18 “(f) For a livestock animal that cannot walk or stand without assistance:

19 “(A) Humane euthanasia; or

20 “(B) The provision of immediate and ongoing care to restore the animal
21 to an ambulatory state.

22 “(10) ‘Physical injury’ means physical trauma, impairment of physical
23 condition or substantial pain.

24 “(11) ‘Physical trauma’ means fractures, cuts, punctures, bruises, burns
25 or other wounds.

26 “(12) ‘Possess’ has the meaning provided in ORS 161.015.

27 “(13) ‘Serious physical injury’ means physical injury that creates a sub-
28 stantial risk of death or that causes protracted disfigurement, protracted
29 impairment of health or protracted loss or impairment of the function of a
30 limb or bodily organ.

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

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

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

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

7 On page 4, after line 7, insert:

8 **“SECTION 5.** ORS 731.036 is amended to read:

9 “731.036. Except as provided in ORS 743.029 or as specifically provided
10 by law, the Insurance Code does not apply to any of the following to the
11 extent of the subject matter of the exemption:

12 “(1) A bail bondsman, other than a corporate surety and its agents.

13 “(2) A fraternal benefit society that has maintained lodges in this state
14 and other states for 50 years prior to January 1, 1961, and for which a cer-
15 tificate of authority was not required on that date.

16 “(3) A religious organization providing insurance benefits only to its em-
17 ployees, if the organization is in existence and exempt from taxation under
18 section 501(c)(3) of the federal Internal Revenue Code on September 13, 1975.

19 “(4) Public bodies, as defined in ORS 30.260, that either individually or
20 jointly establish a self-insurance program for tort liability in accordance
21 with ORS 30.282.

22 “(5) Public bodies, as defined in ORS 30.260, that either individually or
23 jointly establish a self-insurance program for property damage in accordance
24 with ORS 30.282.

25 “(6) Cities, counties, school districts, community college districts, com-
26 munity college service districts or districts, as defined in ORS 198.010 and
27 198.180, that either individually or jointly insure for health insurance cov-
28 erage, excluding disability insurance, their employees or retired employees,
29 or their dependents, or students engaged in school activities, or combination
30 of employees and dependents, with or without employee or student contribu-

1 tions, if all of the following conditions are met:

2 “(a) The individual or jointly self-insured program meets the following
3 minimum requirements:

4 “(A) In the case of a school district, community college district or com-
5 munity college service district, the number of covered employees and depen-
6 dents and retired employees and dependents aggregates at least 500
7 individuals;

8 “(B) In the case of an individual public body program other than a school
9 district, community college district or community college service district, the
10 number of covered employees and dependents and retired employees and de-
11 pendents aggregates at least 500 individuals; and

12 “(C) In the case of a joint program of two or more public bodies, the
13 number of covered employees and dependents and retired employees and de-
14 pendents aggregates at least 1,000 individuals;

15 “(b) The individual or jointly self-insured health insurance program in-
16 cludes all coverages and benefits required of group health insurance policies
17 under ORS chapters 743, 743A and 743B;

18 “(c) The individual or jointly self-insured program must have program
19 documents that define program benefits and administration;

20 “(d) Enrollees must be provided copies of summary plan descriptions in-
21 cluding:

22 “(A) Written general information about services provided, access to ser-
23 vices, charges and scheduling applicable to each enrollee’s coverage;

24 “(B) The program’s grievance and appeal process; and

25 “(C) Other group health plan enrollee rights, disclosure or written pro-
26 cedure requirements established under ORS chapters 743, 743A and 743B;

27 “(e) The financial administration of an individual or jointly self-insured
28 program must include the following requirements:

29 “(A) Program contributions and reserves must be held in separate ac-
30 counts and used for the exclusive benefit of the program;

1 “(B) The program must maintain adequate reserves. Reserves may be in-
2 vested in accordance with the provisions of ORS chapter 293. Reserve ade-
3 quacy must be calculated annually with proper actuarial calculations
4 including the following:

5 “(i) Known claims, paid and outstanding;

6 “(ii) A history of incurred but not reported claims;

7 “(iii) Claims handling expenses;

8 “(iv) Unearned contributions; and

9 “(v) A claims trend factor; and

10 “(C) The program must maintain adequate reinsurance against the risk
11 of economic loss in accordance with the provisions of ORS 742.065 unless the
12 program has received written approval for an alternative arrangement for
13 protection against economic loss from the Director of the Department of
14 Consumer and Business Services;

15 “(f) The individual or jointly self-insured program must have sufficient
16 personnel to service the employee benefit program or must contract with a
17 third party administrator licensed under ORS chapter 744 as a third party
18 administrator to provide such services;

19 “(g) The individual or jointly self-insured program shall be subject to as-
20 sessment in accordance with section 2, chapter 698, Oregon Laws 2013;

21 “(h) The public body, or the program administrator in the case of a joint
22 insurance program of two or more public bodies, files with the Director of
23 the Department of Consumer and Business Services copies of all documents
24 creating and governing the program, all forms used to communicate the
25 coverage to beneficiaries, the schedule of payments established to support the
26 program and, annually, a financial report showing the total incurred cost of
27 the program for the preceding year. A copy of the annual audit required by
28 ORS 297.425 may be used to satisfy the financial report filing requirement;
29 and

30 “(i) Each public body in a joint insurance program is liable only to its

1 own employees and no others for benefits under the program in the event,
2 and to the extent, that no further funds, including funds from insurance
3 policies obtained by the pool, are available in the joint insurance pool.

4 “(7) All ambulance services.

5 “(8) A person providing any of the services described in this subsection.
6 The exemption under this subsection does not apply to an authorized insurer
7 providing such services under an insurance policy. This subsection applies
8 to the following services:

9 “(a) Towing service.

10 “(b) Emergency road service, which means adjustment, repair or replace-
11 ment of the equipment, tires or mechanical parts of a motor vehicle in order
12 to permit the motor vehicle to be operated under its own power.

13 “(c) Transportation and arrangements for the transportation of human
14 remains, including all necessary and appropriate preparations for and actual
15 transportation provided to return a decedent’s remains from the decedent’s
16 place of death to a location designated by a person with valid legal authority
17 under ORS 97.130.

18 “(9)(a) A person described in this subsection who, in an agreement to
19 lease or to finance the purchase of a motor vehicle, agrees to waive for no
20 additional charge the amount specified in paragraph (b) of this subsection
21 upon total loss of the motor vehicle because of physical damage, theft or
22 other occurrence, as specified in the agreement. The exemption established
23 in this subsection applies to the following persons:

24 “(A) The seller of the motor vehicle, if the sale is made pursuant to a
25 motor vehicle retail installment contract.

26 “(B) The lessor of the motor vehicle.

27 “(C) The lender who finances the purchase of the motor vehicle.

28 “(D) The assignee of a person described in this paragraph.

29 “(b) The amount waived pursuant to the agreement shall be the difference,
30 or portion thereof, between the amount received by the seller, lessor, lender

1 or assignee, as applicable, that represents the actual cash value of the motor
2 vehicle at the date of loss, and the amount owed under the agreement.

3 “(10) A self-insurance program for tort liability or property damage that
4 is established by two or more affordable housing entities and that complies
5 with the same requirements that public bodies must meet under ORS 30.282
6 (6). As used in this subsection:

7 “(a) ‘Affordable housing’ means housing projects in which some of the
8 dwelling units may be purchased or rented, with or without government as-
9 sistance, on a basis that is affordable to individuals of low income.

10 “(b) ‘Affordable housing entity’ means any of the following:

11 “(A) A housing authority created under the laws of this state or another
12 jurisdiction and any agency or instrumentality of a housing authority, in-
13 cluding but not limited to a legal entity created to conduct a self-insurance
14 program for housing authorities that complies with ORS 30.282 (6).

15 “(B) A nonprofit corporation that is engaged in providing affordable
16 housing.

17 “(C) A partnership or limited liability company that is engaged in pro-
18 viding affordable housing and that is affiliated with a housing authority de-
19 scribed in subparagraph (A) of this paragraph or a nonprofit corporation
20 described in subparagraph (B) of this paragraph if the housing authority or
21 nonprofit corporation:

22 “(i) Has, or has the right to acquire, a financial or ownership interest in
23 the partnership or limited liability company;

24 “(ii) Has the power to direct the management or policies of the partner-
25 ship or limited liability company;

26 “(iii) Has entered into a contract to lease, manage or operate the afford-
27 able housing owned by the partnership or limited liability company; or

28 “(iv) Has any other material relationship with the partnership or limited
29 liability company.

30 “(11) A community-based health care initiative approved by the Oregon

1 Health Authority under ORS 735.723 operating a community-based health
2 care improvement program approved by the authority.

3 “(12) Except as provided in ORS 735.500 and 735.510, a person certified
4 by the Department of Consumer and Business Services to operate a retainer
5 medical practice.

6 “(13) **An owner that rents or leases an animal to a person or to a
7 public body as defined in ORS 174.109, if the owner retains an obli-
8 gation to provide for veterinary care or other needs of the animal.**

9 “**SECTION 6.** ORS 731.036, as amended by section 37, chapter 698, Oregon
10 Laws 2013, and section 42, chapter 318, Oregon Laws 2015, is amended to
11 read:

12 “731.036. Except as provided in ORS 743.029 or as specifically provided
13 by law, the Insurance Code does not apply to any of the following to the
14 extent of the subject matter of the exemption:

15 “(1) A bail bondsman, other than a corporate surety and its agents.

16 “(2) A fraternal benefit society that has maintained lodges in this state
17 and other states for 50 years prior to January 1, 1961, and for which a cer-
18 tificate of authority was not required on that date.

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20 ployees, if the organization is in existence and exempt from taxation under
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27 with ORS 30.282.

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29 munity college service districts or districts, as defined in ORS 198.010 and
30 198.180, that either individually or jointly insure for health insurance cov-

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2 or their dependents, or students engaged in school activities, or combination
3 of employees and dependents, with or without employee or student contribu-
4 tions, if all of the following conditions are met:

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6 minimum requirements:

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8 munity college service district, the number of covered employees and depen-
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10 individuals;

11 “(B) In the case of an individual public body program other than a school
12 district, community college district or community college service district, the
13 number of covered employees and dependents and retired employees and de-
14 pendents aggregates at least 500 individuals; and

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19 cludes all coverages and benefits required of group health insurance policies
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22 documents that define program benefits and administration;

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24 cluding:

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26 vices, charges and scheduling applicable to each enrollee’s coverage;

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13 “(C) The program must maintain adequate reinsurance against the risk
14 of economic loss in accordance with the provisions of ORS 742.065 unless the
15 program has received written approval for an alternative arrangement for
16 protection against economic loss from the Director of the Department of
17 Consumer and Business Services;

18 “(f) The individual or jointly self-insured program must have sufficient
19 personnel to service the employee benefit program or must contract with a
20 third party administrator licensed under ORS chapter 744 as a third party
21 administrator to provide such services;

22 “(g) The public body, or the program administrator in the case of a joint
23 insurance program of two or more public bodies, files with the Director of
24 the Department of Consumer and Business Services copies of all documents
25 creating and governing the program, all forms used to communicate the
26 coverage to beneficiaries, the schedule of payments established to support the
27 program and, annually, a financial report showing the total incurred cost of
28 the program for the preceding year. A copy of the annual audit required by
29 ORS 297.425 may be used to satisfy the financial report filing requirement;
30 and

1 “(h) Each public body in a joint insurance program is liable only to its
2 own employees and no others for benefits under the program in the event,
3 and to the extent, that no further funds, including funds from insurance
4 policies obtained by the pool, are available in the joint insurance pool.

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7 The exemption under this subsection does not apply to an authorized insurer
8 providing such services under an insurance policy. This subsection applies
9 to the following services:

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11 “(b) Emergency road service, which means adjustment, repair or replace-
12 ment of the equipment, tires or mechanical parts of a motor vehicle in order
13 to permit the motor vehicle to be operated under its own power.

14 “(c) Transportation and arrangements for the transportation of human
15 remains, including all necessary and appropriate preparations for and actual
16 transportation provided to return a decedent’s remains from the decedent’s
17 place of death to a location designated by a person with valid legal authority
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22 upon total loss of the motor vehicle because of physical damage, theft or
23 other occurrence, as specified in the agreement. The exemption established
24 in this subsection applies to the following persons:

25 “(A) The seller of the motor vehicle, if the sale is made pursuant to a
26 motor vehicle retail installment contract.

27 “(B) The lessor of the motor vehicle.

28 “(C) The lender who finances the purchase of the motor vehicle.

29 “(D) The assignee of a person described in this paragraph.

30 “(b) The amount waived pursuant to the agreement shall be the difference,

1 or portion thereof, between the amount received by the seller, lessor, lender
2 or assignee, as applicable, that represents the actual cash value of the motor
3 vehicle at the date of loss, and the amount owed under the agreement.

4 “(10) A self-insurance program for tort liability or property damage that
5 is established by two or more affordable housing entities and that complies
6 with the same requirements that public bodies must meet under ORS 30.282
7 (6). As used in this subsection:

8 “(a) ‘Affordable housing’ means housing projects in which some of the
9 dwelling units may be purchased or rented, with or without government as-
10 sistance, on a basis that is affordable to individuals of low income.

11 “(b) ‘Affordable housing entity’ means any of the following:

12 “(A) A housing authority created under the laws of this state or another
13 jurisdiction and any agency or instrumentality of a housing authority, in-
14 cluding but not limited to a legal entity created to conduct a self-insurance
15 program for housing authorities that complies with ORS 30.282 (6).

16 “(B) A nonprofit corporation that is engaged in providing affordable
17 housing.

18 “(C) A partnership or limited liability company that is engaged in pro-
19 viding affordable housing and that is affiliated with a housing authority de-
20 scribed in subparagraph (A) of this paragraph or a nonprofit corporation
21 described in subparagraph (B) of this paragraph if the housing authority or
22 nonprofit corporation:

23 “(i) Has, or has the right to acquire, a financial or ownership interest in
24 the partnership or limited liability company;

25 “(ii) Has the power to direct the management or policies of the partner-
26 ship or limited liability company;

27 “(iii) Has entered into a contract to lease, manage or operate the afford-
28 able housing owned by the partnership or limited liability company; or

29 “(iv) Has any other material relationship with the partnership or limited
30 liability company.

1 “(11) A community-based health care initiative approved by the Oregon
2 Health Authority under ORS 735.723 operating a community-based health
3 care improvement program approved by the authority.

4 “(12) Except as provided in ORS 735.500 and 735.510, a person certified
5 by the Department of Consumer and Business Services to operate a retainer
6 medical practice.

7 “(13) **An owner that rents or leases an animal to a person or to a
8 public body as defined in ORS 174.109, if the owner retains an obli-
9 gation to provide for veterinary care or other needs of the animal.”.**

10 In line 8, delete “4” and insert “7” and delete “2” and insert “3”.

11 In line 10, delete “5” and insert “8” and delete “3” and insert “4”.

12 After line 11, insert:

13 **“SECTION 9. The amendments to ORS 731.036 by sections 5 and 6
14 of this 2017 Act apply to arrangements entered into before, on or after
15 the effective date of this 2017 Act.**

16 **“SECTION 10. This 2017 Act being necessary for the immediate
17 preservation of the public peace, health and safety, an emergency is
18 declared to exist, and this 2017 Act takes effect on its passage.”.**

19
