

HOUSE COMMITTEE ON JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

March 25, 1993 Hearing Room A 3:00 p.m. Tapes 59- 60
MEMBERS PRESENT: Rep. Bob Tiernan, Chair Rep. Kate Brown Rep. Peter
Courtney Rep. Veral Tarno STAFF PRESENT: Julie Nolta, Committee Clerk
Carole Souvenir, Committee Counsel MEASURES CONSIDERED: HB 2380 -
Relating to assistance animals

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes. . .

TAPE 59, SIDE A

CHAIR TIERNAN: Calls meeting to order at 3:25 p.m.

HB 2380 - PUBLIC HEARING

Witnesses: Doug Lee, Citizen Deanna Noriega, Citizen Alicia Bone,
Community Counseling Center Rep. Kevin Mannix, District 32 Eugene Organ,
Oregon Disabled Commission Keith Laber, Guide Dogs for the Blind Harry
Oakes, Mountain Wilderness Search Dogs Susan Mentley, Human Society of
Willamette Valley Rick Hanson, representing Sen. Frank Roberts Margaret
Epley, Guide Dog Users of Oregon Sarah Crawford, Guide Dog Users of
Oregon

011 CAROLE SOUVENIR, COMMITTEE COUNSEL: HB 2380 establishes measure
of damages for civil action based upon unprovoked attack upon an
assistance animal; creates the crime of interference with an assistance
animal. (EXHIBITS A & B)

024 DOUG LEE: Testifies in favor of HB 2380. Subcommittee on Crime
and Corrections March 25, 1993 - Page 2

075 DEANNA NORIEGA: Testifies in favor of HB 2380.

210 REP. TARNO: Asks about price value of guide dogs.

NORIEGA: It is not usually a purchase situation. I got my dog from
Seeing Eye in New Jersey and paid \$150 which does not cover cost of
breeding, training, or maintenance. Describes training of a guide dog.

252 CHAIR TIERNAN: Read \$30,000 as the value of a guide dog.

260 ALICIA BONE, COMMUNITY COUNSELING CENTER: Testifies in favor of
HB 2380. 333 REP. KEVIN MANNIX, DISTRICT 32: Testifies in favor of HB
2380.

TAPE 60, SIDE A

046 BONE: Discusses abduction of assistance animals. Would like that
added to the bill as compensable.

CHAIR TIERNAN: Asks witness if she knows of any situation where a guide
dog was abducted.

BONE: None personally. Most service dogs are very well bred and are very

attractive to people who want to steal animals.

065 REP. TARNO: With such a high value of a guide dog, are we talking about first degree theft?

REP. MANNIX: It should be.

REP. TARNO: Would it be necessary for the owner to have certification from the institute that trained the animal in case it was stolen?

REP. MANNIX: Would probably have ownership documentation. Will be less hard to prove actual value and damages with service animals. But on the civil side, worried about concept of depreciation, i.e. life expectancy. On the criminal side there would be the problem of interference with an animal which is not clearly illegal. This bill would make it a Class A misdemeanor.

081 CHAIR TIERNAN: Understands it would be the value of the replacement of the dog not the remaining life. REP. MANNIX: Correct.
084 CAROLE SOUVENIR, COMMITTEE COUNSEL: Words "intentional and knowingly" used in section 3 of the bill. Civil section 2 uses "unprovoked attack" and assumes that is an Subcommittee on Crime and Corrections March 25, 1993 - Page 3

intentional standard not "negligent or reckless." Regarding "unprovoked attack of an assistance by another animal" it is not an intentional standard so is that strict liability standard?

REP. MANNIX: We are going to have to modify the bill to be realistic about that. Civilly, would like to talk about strict liability. May want to add "knowingly allowing your animal to be in such circumstances."

117 EUGENE ORGAN, EXECUTIVE DIRECTOR, OREGON DISABILITIES COMMISSIONS: Submits and reviews written testimony in favor of HB 2380. (EXHIBIT C) 169 KEITH LABER, GUIDE DOGS FOR THE BLIND: Testifies in favor of HB 2380.

226 REP. BROWN: Where do you get your funding if the dogs don't cost anything to the consumers?

LABER: Private donations.

229 CHAIR TIERNAN: If someone lost their dog because of another dog, what happens to the money that is recovered in damages? LABER: Not sure how the legislature will rule on the value of the dog. Explains what the \$30,000 figure covers. CHAIR TIERNAN: If your dog is permanently injured and \$30,000 is recovered, what happens next? LABER: Guide Dogs for the Blind retains legal ownership of the dog. CHAIR TIERNAN: You stated there were 13,000 guide dogs in the U.S. LABER: In North America. There are ten guide dog schools and 1200-1300 dogs are trained per year.

271 CHAIR TIERNAN: Do we need more guide dogs? LABER: Waiting list is one year. \$150 cost to owner is for equipment for dog. Cost has remained the same since 1929. 285 CAROLE SOUVENIR, COMMITTEE COUNSEL: Do all ten guide dog schools retain legal ownership? LABER: No. About 50% do. Describes school's support system. Continues discussion on actual value of dog and emotional value. Subcommittee on Crime and Corrections March 25, 1993 Page 4

332 HARRY OAKES, INTERNATIONAL SEARCH AND RESCUE COORDINATOR, MOUNTAIN WILDERNESS SEARCH DOGS: Introduces Ranger. Submits and reviews

written testimony in favor of HB 2380. (EXHIBIT D) 427 CHAIR
TIERNAN: Does your dog find these people through smell or hearing?
OAKES: Through smell. Describes a dog's sense of smell and hearing.
434 REP. TARNO: Animals can detect earthquakes in advance? Did you
dog alert you? OAKES: Jumped onto the bed. Scientifically proven that
animals can sense disasters. Continues testimony and describes dog's
training. 486 CAROLE SOUVENIR, COMMITTEE COUNSEL: There is a
definition of "assistance animal" under the proposed bill. Your animals
may not fit into that definition.

TAPE 59, SIDE B

037 OAKES: Asking for an amendment to read "service dogs and assistance
dogs."

CAROLE SOUVENIR, COMMITTEE COUNSEL: Is there a federal definition?

OAKES: Has read it under the FAA's laws regarding flying search and
rescue dogs. Describes dog's method of underwater search.

061 SUSAN MENTLEY, ANIMAL CARE COORDINATOR, HUMAN SOCIETY OF
WILLAMETTE VALLEY: Submits and reviews written testimony in favor of HB
2380. (EXHIBIT E) 089 REP. TARNO: Asks witness if we have seen the
end of rabies. MENTLEY: Is not a severe problem in Oregon. There have
been isolated cases. It is another reason to keep animals home.
103 RICK HANSEN ON BEHALF OF SENATOR FRANK ROBERTS: Submits and
reviews written testimony in favor of HB 2380. (EXHIBIT F)
133 MARGARET EPLEY, PRESIDENT, GUIDE DOG USERS OF OREGON: Submits and
reviews written testimony in favor of HB 2380. (EXHIBIT G) 250 SARAH
CRAWFORD, SECRETARY, GUIDE DOG USERS OF OREGON: Testifies in favor of HB
2380. 313 EPLEY: Oregon is growing in ability to meeting the needs of
the handicapped and disabled. Describes organizations in Oregon for
training animals. Oregon is the only state that is protecting service
animals. Rep. Ron Wyden wants to take the bill nationwide. 382 CHAIR
TIERNAN: Adjourns meeting at 4:50 p.m. Subcommittee on Crime and
Corrections 1\larch 25,1993 Page 5

Submitted by: Reviewed by: Julie NoltaAnne May Committee
Clerk Committee Assistant

EXHIBIT LOG:

A - Oregon Revised Statutes in reference to HB 2380 - Committee Counsel
- 3 pages B - Proposed amendments to HB 2380 - 1 page C - Testimony on
HB 2380 - Oregon Disabilities Commission - 3 pages D - Testimony on HB
2380 - Harry Oakes - 7 pages E - Testimony on HB 2380 - Humane Society
of the Willamette Valley - 1 page

F - Testimony on HB 2380 - Rick Hanson for Sen. Frank Roberts - 1 page G
- Testimony on HB 2380 - Margaret Epley - 26 pages

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete content of the proceedings, please refer to the tapes.