

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.

HOUSE COMMITTEE ON HUMAN RESOURCES

March 1, 1991Hearing Room D 1:30 p.m.Tapes 62 - 63

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes (2:10 p.m.) Rep. Cedric Hayden (2:05 p.m.) Rep. John Meek Rep. Hedy Rijken

MEMBER EXCUSED: Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Angela Muñoz, Committee Assistant

MEASURES CONSIDERED: HB 2655 - WHITE LEASHES - PH HB 2664
- ATTACKS ON ASSISTANCE ANIMALS - PH SB 28 - FOOD STAMP PROGRAM - PH, WS
SB 26 - AFS WELFARE REFORM COMMISSION - PH, WS

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TAPE 62, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:32 p.m.

HB 2655 - WHITE LEASHES - PUBLIC HEARING: Witnesses:Rep. Chuck Norris, District 57 Kay Mulvey, Oregon Counsel for the Blind Dave Hyde, National Federation of the Blind of Oregon

015 REP. CHUCK NORRIS, District 57: Is the chief sponsor of HB 2655. Presents letter from a Roy Timm who requested the legislation and could not attend today's hearing (EXHIBIT A). Mr. Timm wants the words 'or white leash' added to the Dog Guide Law. The law now specifies a harness for Guide Dogs, but Mr. Timm is tall and it is difficult to use a harness properly with his dog.

072 CHAIR FORD: Has some problems with the bill and offers suggestions. -- Mr. Timm recommends a white leash. What happens if it the leash breaks or is lost and the only other leash available is not white? Also it doesn't prevent others who are not blind from using white leashes. Spoke to an attorney. Suggested using a phrase such as 'other suitable restraint'.

REP. NORRIS: That would include a white leash.

CHAIR FORD: The key to it is that the dog is trained to lead or is

leading a disabled person. Thinks other suitable restraint of the animal would work.

REP. NORRIS: Has no objections, and speculates that Mr. Timm would not object. Thinks he used the white leash to be in conjunction with the current law.

CHAIR FORD: Thought about it in terms of the white cane. It is illegal to carry a white cane if not blind. Assumes it would be the same with specifying a white leash. Would run into a problem restricting the colors of dog leashes.

REP. NORRIS: Do you visualize some kind of identification so that people or police could tell the dog was a Guide Dog? Do you think that is necessary?

CHAIR FORD: Thinks it is more necessary that we do something to say that this animal is accompanying a blind person.

117 REP. NORRIS: Would that put the responsibility on the blind person to carry some type of identification that they are visually impaired?

CHAIR FORD: The other witnesses may offer some suggestions.

REP. NORRIS: Would be satisfied with any solution that would allow Mr. Timm to use his guide dog comfortable on a leash or other restraint.

140 KAY MULVEY, Member, Oregon Counsel for the Blind: Is also the president of Guide Dog User of Oregon. Introduces her Seeing Eye dog, Tom. Became aware of HB 265 5 this morning. Is concerned with parts of the legislation. Doesn't want to deny Mr. Timm from using his guide dog, but is concerned with the white leash and harness. The schools that train the dogs recommend that the dogs wear specific identifiable material such as a harness. Concerned about any dog having a white leash for identification with no other type of identification. Owners carry cards identifying the dog as a trained guide dog and the owner is responsible for its behavior. At this point is in opposition to the bill

180 CHAIR FORD: What would you suggest to address Mr. Timm's problem of being so tall and having a small guide dog?

MULVEY: There are some places that can adapt harnesses. There must be some identification mark for the dog. A leash is not the answer. There are tall men who have gotten dogs from training facilities.

CHAIR FORD: But a dog is a personal part of your life, and his dog is small.

MULVEY: Hasn't had chance to examine the bill closely, but perhaps a harness could be modified. Maybe an identification symbol could be created so the general public doesn't take advantage of the law.

CHAIR FORD: Is also concerned about that. Contact staff if you have further suggestions.

263 DAVE HYDE, National Federation of the Blind of Oregon: Has spoken to Mr. Timm about his problem with using a harness. Presents testimony and suggests amendments to HB 2565 (EXHIBIT B). Understands why Mr. Timm wants the white leash. A law passed last session allows people to

train their own assistance animals.

CHAIR FORD: Glad you spoke to Mr. Timm. Do not have the amendments yet.

MELANIE ZERMER, Committee Administrator: Explains the proposed amendments as they relate to ORS 346.680, 346.610 and 346.640. Those statutes were not changed when language was amended elsewhere during the 1989 session.

374 CHAIR FORD: There is a definition of dog guide that requires the dog to wear a harness and be trained to lead a blind person. If that is not changed, the self-trained dog is not considered a dog guide.

HYDE: Under strict interpretation of the statutes, yes.

CHAIR FORD: The statute for Hearing Ear dogs requires the dogs to be on orange leashes. Is that why you think a white leash would be better. Is concerned about the white leash.

HYDE: Mr. Timm thought the white leash would be identifiable and work in conjunction with the white cane and white leashes are hard to find which would minimize abuse. The statute goes on to define assistance animals. Believes Mr. Timm's dog would qualify as an assistance animal. Wonders if a dog guide is a subset of assistance animals.

FORD: Reviews statute and believes that assistance animals would include dogs. Wants Legislative Counsel to clarify that issue.

462 REP. STEIN: Mr. Hyde raised a good legal question. When you have a specific defined such as guide dog, then it is hard to argue that it falls under a general definition such as assistance animal. There is a potential problem with the bill.

CHAIR FORD: Will the amendments solve that problem?

REP. STEIN: They will solve a different problem. He has raised a consistency problem that is another issue.

TAPE 63, SIDE A

032 HYDE: Could define the animal by function rather than by what it is wearing. Could define it as a dog trained to lead or assist a blind person and clearly identified as such.

CHAIR FORD: Was focusing on that earlier on. Wants to focus on the disability of the person and the skills of the animal that is wearing a suitable restraint. Will work it out.

HB 2664 - ATTACKS ON ASSISTANCE ANIMALS - PUBLIC HEARING: Witnesses:Rep. Kevin Mannix, District 32 Eugene Organ, Oregon Disabilities Commission

053 REP. KEVIN MANNIX, District 32: Is the chief sponsor of the bill. The issue of recovering money to pay for medical care of attacked assistance animals was raised by two constituents, one whose dog was attacked. -- It is difficult to identify owners of animals that attack assistance animals. -- It is difficult to define the responsibilities of the owner. -- Assistance animals are unique because they are restricted by a harness and cannot protect themselves. The bill establishes strict liability for the owner of an animal that attacks an assistance animal.

Presents hand engrossed version of the bill incorporating amendments he is drafting (EXHIBIT C). The assistance animals are an extension of the person and as such they should have access to the Victim's Compensation Fund. Refers to a letter from the Justice Department about using the fund for this purpose (EXHIBIT D). It is a two-tiered process. Must be able to find the owner and sue. If you can't find the owner then you have access to the fund. Rewrote some of the language in the bill to clarify the issue. Removed the restrictive clause about the attack occurring while the animal was being used for assistance.

130 CHAIR FORD: Then you negate your argument. If the assistance animal isn't restricted, then it would be able to protect itself.

MANNIX: Agrees, but doesn't think there will be many situations where that will occur. If looking for balance need to either take that phrase out of Section 1 or add it to Section 3. It is in the animals' training to be passive. They are still unprotected even if they are not on a leash. Other changes clarify who is covered and who has the right to bring suit. Also included recovery of attorney fees because some people may be obstinate and refuse to pay.

CHAIR FORD: The bill says that the damages shall be for the replacement value of an equally trained assistance animal. What about the training and time the person must spend to be retrained with a new animal? It takes several weeks to train with a new animal.

MANNIX: Is open to adding the value of the time spent training with the animal and the person into the bill.

187 EUGENE ORGAN, Executive Director, Oregon Disabilities Commission: Presents written testimony in favor of HB 2664 (EXHIBIT E). Owns a retired dog guide, but does not use it for guidance. It is detriment if an assistance animal is injured or destroyed because of negligence. It is only fair if compensation to the owner is allowed in those instances.

CHAIR FORD: Do you know of any situation where assistance animals have been injured or killed?

ORGAN: Does not know any personal instances, but has heard of some instances where a dog has been attacked and has not been able to work. Has also heard of situations where the dog had to be destroyed because of an attack. That is a traumatic situation for the owner, and it is a loss of valuable equipment for the person. It is a loss of independence. Is worried about the increase of malicious harassment that people with disabilities are encountering on the streets. It is tragic that a dog trained not to attack could become a sitting target of harassment.

260 CHAIR FORD: Is shocked. Had no idea that was happening.

ORGAN: Relates a story of harassment to a amputee in an airport. The dogs are not trained to attack but they provide a measure of protection.

Public Hearing on HB 2664 re-opens on page 6.

SB 28 - FOOD STAMP PROGRAM - PUBLIC HEARING, WORK SESSION: Witnesses: Jim Neely, Adult and Family Services Division

290 JIM NEELY, Income Maintenance Manager, AFS: Presents testimony on SB 28 (EXHIBIT F). The bill updates the portion of ADC payments

designated as energy assistance.

REP. STEIN: The bill changes the year, but does not include inflation costs.

NEELY: Yes, to the extent that the food and nutrition service allows AFS to raise that portion of payments. When the program began, it was smaller and it has been updated since then.

REP. HAYDEN: Do you have any background in the antipathy people have for others' use of food stamps? What does it spring from?

NEELY: There are a number of factors. One is the perception of Welfare and receiving Welfare.

REP. HAYDEN: Do you think that people are aware that these are federal dollars paying for food stamps? Don't you think people believe they are directly paying for the program?

353 NEELY: Doesn't think that people are fully aware that the benefit dollars are federal, but indirectly people do pay for the program.

REP. HAYDEN: Are college students eligible for food stamps?

NEELY: As a rule, no. The exceptions are those who are engaged in work study and are working.

CHAIR FORD: What about students who are there but are on OSI?

NEELY: There are other assistance programs as well; the Oregon Supplemental Income Program has a category for food stamps.

REP. BARNES: It seems there is a disparity in the increases for the energy rates when additional rooms are included to the household.

NEELY: In the past, have done surveys to establish the rate. The rates shown are the best rates could justify. You are right that there probably a higher jump for additional space.

MOTION:Rep. Meek moves for passage of SB 28 with a Do Pass recommendation.

VOTE:In a roll call vote, the motion carried 6-0-1. Voting AYE: Rep. Barnes, Rep. Hayden, Rep. Meek, Rep. Rijken, Rep. Stein and Chair Ford. Excused: Rep. Taylor. Rep. Hayden will lead the floor discussion.

SB 26 - AFS WELFARE REVIEW COMMISSION - PUBLIC HEARING, WORK SESSION:
Witnesses:Victor Merced, Adult and Family Services Division

440 VICTOR MERCED, Deputy Administrator, AFS: Presents testimony on SB 26 (EXHIBIT G).

CHAIR FORD: You could actually save a little money consolidating the two advisory bodies.

MERCED: Yes, that was the intent.

REP. BARNES: Is the Welfare Reform Steering Committee a statutory committee?

MERCED: That was a federal mandate that was established when Oregon went ahead with Welfare reform. By consolidating the two bodies, it gets around having two advisory bodies advising AFS on the same issues.

REP. BARNES: If it was statutory we would need to cancel out that requirement. But it is not necessary.

MOTION:Rep. Meek moves for passage of SB 26 with a Do Pass recommendation.

VOTE:In a roll call vote, the motion carried 6-0-1. Voting AYE: Rep. Barnes, Rep. Hayden, Rep. Meek, Rep. Rijken, Rep. Stein, Chair Ford. Excused: Rep. Taylor. Rep. Barnes will lead the floor discussion.

HB 2664 - ATTACKS ON ASSISTANCE ANIMALS - PUBLIC HEARING:

Witnesses:Douglas Lee, Oregon Counsel for the Blind Kay Mulvey, Oregon Counsel for the Blind Carol Whitney, Oregon Counsel for the Blind

058 DOUGLAS LEE, Willamette Chapter President, Oregon Counsel for the Blind: Relates story of when his guide dog was attacked by a great dane in 1989. Presents veterinarian's report of dog's injuries (EXHIBIT H). The owner of the other dog stopped the attack and was given a ticket for not having his dog licensed and letting the dog run loose. Guide dogs are vulnerable; they cannot attack. Even though there is a leash law, a lot of dogs still run loose.

CHAIR FORD: Did the person who owned the dog that attacked your dog help you out with the veterinarian costs?

LEE: No, but the veterinarian did not charge for caring for the dog.

CHAIR FORD: Still, the dog's owner should have paid.

096 KAY MULVEY: This bill was brought to Rep. Mannix' attention because more and more people are using guide dogs, and the leash laws are difficult to enforce. Relates story of a friend whose guide dog was attacked by a pit bull. The attack did not do much physical damage to the guide dog, but emotionally it did. Personally, her dog has not been attacked, but it has been harassed. Guide dogs are not trained to be aggressive. The value of the trained dogs is about \$10,000, and that doesn't include the cost of having the student on the grounds with the dogs or the cost of the purebred dog.

CHAIR FORD: When you get a new guide dog for \$10,000 that includes the month of training and the animal?

MULVEY: That is the costs that the schools could charge, but in many cases the schools do not charge blind individuals.

REP. MEEK: Most of the individuals covered by the bill would not pay the costs, but it is a cost to the public as well. The public is at risk when a dog that attacks is not controlled.

158 CAROL WHITNEY, Oregon Counsel for the Blind: Her dog is an extension of herself. When first got the dog it was valued at about \$3,000 with training. It is \$10,000 now. The money is donated to the schools. In the training, the dogs cannot exhibit aggression to pass the training. The dog would not attack even if the person was attacked. The schools do not want the dog to attack when, for example, a person calls after you because you left your wallet behind. The dogs are not

trained to protect. It is difficult to get a new dog. The waiting list is sometimes three to nine months, so the person is out the use of a guide dog for that period of time. It is a great hardship if your dog is suddenly disabled. Her dog has not been attacked, but it is a fear.

CHAIR FORD: Glad that you brought the issue to the committee and have shared your concerns. It must be a great deal of stress to be under when you hear another dog barking and don't know if it's loose.

WHITNEY: It is a great deal of stress for the dog. You have to be aware of other dogs that may be around. The dog is under a lot of stress to maintain the guide pattern in spite of the distractions.

CHAIR FORD: Adjourns the meeting at 2:47 p.m.

Submitted by,

Reviewed by,

Angela Muñoz

Melanie Zermer

EXHIBIT LOG:

A - Testimony on HB 2655 - Roy Timm - 2 pages B - Testimony
on HB 2655 - Dave Hyde - 1 pages C - Hand-Engrossed version of HB
2664 - Rep. Kevin Mannix - 1 pages D - Department of Justice
comments of HB 2644 - Gerri Fitzgerald - 3 pages E - Testimony on
HB 2644 - Eugene Organ - 2 pages F - Testimony on SB 28 - Jim
Neely - 1 page G- Testimony SB 26 - Victor Merced - 2 pages
H - West Salem Animal Clinic Patient Record - Douglas Lee - 1 page