

HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS

April 5, 1991 Hearing Room E 8:30 a.m. Tapes 89 - 92
MEMBERS PRESENT: Rep. Bill Markham, Chair Rep. Larry Sowa, Vice-Chair
Rep. Marie Bell Rep. Mary Alice Ford Rep. Carolyn Oakley Rep. Lonnie
Roberts MEMBER EXCUSED: Rep. Tom Novick VISITING MEMBER: None
STAFF PRESENT: Randall Jones, Committee Administrator Carolyn Cobb,
Committee Assistant MEASURES CONSIDERED: HB 3093 - Provides For
System of Certification of Search and Rescue Volunteers and Search
Animals, PH, SB 278 - Allows Physically Handicapped Elector to Become
Permanent Absentee Voter, PH, WS

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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 89, SIDE A

004 CHAIR MARKHAM: Calls the meeting to order at 8:35 a.m.

HB 3093 - PROVIDES FOR SYSTEM OF CERTIFICATION OF SEARCH AND RESCUE
VOLUNTEERS AND SEARCH ANIMALS - PUBLIC HEARING Witnesses: Mary Alice
Ford, State Representative, District 8 Jeremy N. Adolf, Oregon Mountain
Rescue Council George C. Barton, Oregon Fire District Directors
Association, Charleston Rural Fire Protection District Brian DeLashmint,
Oregon Nurses Association Bill Gawlowski, Mountain Wilderness Search and
Rescue Dogs David Graf, Mountain Wilderness Search and Rescue Dogs Bob
Iseli, Sex Offenses Against Children Task Force Jerry Madsen, Citizen
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Sarah Madsen, Citizen Paul Meyerhoff, Aeronautics Division, Oregon
Department of Transportation Deborah Mroz, Mountain Wilderness Search
and Rescue Dogs Marty Neiman, Search One Search and Rescue Dogs Harry E.
Oakes, Jr., President, Mountain Wilderness Search and Rescue Dogs John
Olson, Leader, Explorer Scouts Floyd L. Pittard, Oregon Fire District
Directors Association, Tualatin Fire and Rescue Ken Rauscher, Oregon
Mountain Rescue Council Janet Schadewitz, Mountain Wilderness Search and
Rescue Dogs C. W. Smith, Oregon State Sheriffs' Association

010 MARY ALICE FORD, STATE REPRESENTATIVE, DISTRICT 8: Gives brief
history of how the bill came into being.

034 BOB ISELI: MEMBER, SEX OFFENSES AGAINST CHILDREN TASK FORCE:
Submits and summarizes written testimony (EXHIBIT A) in support of the
measure.

066 HARRY OAKES JR., PRESIDENT, MOUNTAIN WILDERNESS SEARCH DOGS:
Submits and summarizes written testimony (EXHIBIT B) in support of the
bill. 110 REP. ROBERTS: What is a disaster mission? 116 OAKES: A
disaster is an event such as a flood or an earthquake. Anything
involving five or more people where a life is at stake. -Resumes written
testimony. -Reviews specific provisions of the bill. -Submits proposed
dash one LC amendments dated 4/3/91 (EXHIBIT C). 326 REP. FORD: When
you say a fee for certifying the volunteers, do you mean all of the
volunteers including Scout groups? 330 OAKES: I am referring to
anybody who applies for a Search and Rescue card within the State of
Oregon. They would pay or the party who sponsors them would pay that
fee. 347 OAKES: The recommended fee we asked the board to look at is

\$10 per person every two years. 359 REP. ROBERTS: The impact statement indicates the fees would amount to \$10 per year. 368 OAKES: If someone wants to include his animal, he would pay an extra \$10 for the animal which has been certified. 377 REP. ROBERTS: Would \$10 be enough money to run a certification program? 390 OAKES: We are open to any suggestions in this regard. -Resumes review of the bill provisions.

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-Reviews the proposed dash one LC amendments dated 4/3/91 (EXHIBIT C).

TAPE 90, SIDE A

024 REP. ROBERTS: Does reimbursement come out of the county's budget?

025 OAKES: In most states it comes from the county's budget. We have participated in many searches in Oregon and have never been compensated or asked for compensation.

033 REP. FORD: You just want the language to state, if there is voluntary compensation to the search unit, it could be accepted.

034 OAKES: Yes.

038 OAKES: Resumes review of the amendments starting with line 16. -Describes additional material submitted with his written testimony (EXHIBIT B). -His organization does respond to private requests from families for searches. Describes the expenses involved in the program.

100 CHAIR MARKHAM: Who has certified the four people in Oregon?

102 OAKES: The Clackamas County Sheriffs office certified those four people. Resumes review of additional material submitted. -Introduces trained search dog "Ranger". -Plays excerpts from video tape.

289 REP. FORD: How many dogs and how many handlers does your organization have?

292 OAKES: We have thirty two members in the unit with twenty two dogs. Eight teams have been fully certified and are ready to go. -We also meet Oregon and Washington State search and rescue standards. -We do certify our own dogs, but only after we asked the sheriff's office to certify them and they refused. It is no different than police officers who certify their own dogs.

310 REP. FORD: Are there other states that certify rescue dogs?

315 OAKES: I know that Alaska has set up standards for them, but they do not actually say a dog is certified. They do set up minimum requirements.

332 REP. FORD: So long as we do not have any language in the bill that would allow you to consider a fire a disaster.

334 OAKES: We would never do such a thing.

340 CHAIR MARKHAM: Can you participate in a search without the sheriff's approval?

341 OAKES: Only if it is a private family request and only after all official search efforts are concluded by the sheriff's department. . These minutes contain materials which paraphrase and/or summarize SB tements made during this session. Only text enclosed in quotation marks report a speaker'. exact words, For complete contents of the proceedings, please refer to the taper. House Co nittee on State and Federal Affairs April 5, 1991- Page 4

346 CHAIR MARKHAM: Are there other states that do what HB 3093 would accomplish? 349 OAKES: We are not plowing new ground in that. In Alaska the Governor has turned search and rescue over to the state police because of the abuses that have occurred. 354 CHAIR MARKHAM: How many hours are required to bring a dog up to certification? 356 OAKES: A minimum of 100 hours.

364 MARTIN NEIMAN, SEARCH ONE SEARCH AND RESCUE DOGS: My concerns about this bill are clifficult to define. The amount of hours put in does not mean the dog is ready to go. When you are developing or setting standards for this, you need to set certification standards for different types of disasters. We have two dogs in our group right now that are crossed trained to do both urban and wilderness searching. 395 REP. FORD: Are dogs that are trained to sniff drugs trained differently?

400 NEIMAN: There is a difference between urban and wilderness searches. This bill does not really address standards or testing. That needs to be defined. I do agree with the reimbursement provision. It is very expensive to maintain a volunteer search animal.

TAPE 89, SIDE B

010 NEIMAN: I think it is important when standards are set, that there are categories for the different kinds of testing.

019 REP. FORD: Who should be setting those standards?

021 NEIMAN: I would get a broad base, including police trainers and professional trainers. Another thing that is important to look at is that Americans have a tendency not to wash out any dogs. In Europe about 72% of the dogs that try are not certified.

044 FLOYD PITTARD, OREGON FIRE DISTRICT DIRECTORS ASSOCIATION, OREGON FIRE CHIEFS ASSOCIATION, TUALATIN VALLEY FIRE AND RESCUE: We have no problem with the concept of the bill. What the bill should speak to is the certification of search and rescue animals, more than people. The bill intent is probably very valuable for this state and we agree with that. We have a problem with the provision that requires fees for the accreditation of all volunteers involved in search and rescue. -Many volunteer fire departments are hard pressed to support themselves. -State and federal laws mandate that fire fighters be trained to a minimum level for responding to hazardous materials emergencies. -I find it hard to believe that we need to certify volunteer or paid fire fighters in search and rescue. -Perhaps standards should be applied to those in charge of search and rescue operations. -Agrees families should be aware of what services are available. -Certification programs that include fire service are not proper. -The bill is too broad and too all encompassing.

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097 REP. FORD: With the Scouts, there should be a person leading them who is certified.

103 PITTARD: The standards and accreditation procedure is already set up in Oregon. Fails to see why another certifying agency is needed when two are in place at the present time.

113 CHAIR MARKHAM: Who is responsible for the fire standards, is that with the State Fire Marshal?

114 PITTARD: They are an advisory board to the State Fire Marshal which is appointed by the governor.

117 CHAIR MARKHAM: In my area the rural fire departments come to me with the complaint that there are too many demands on them by the State Fire Marshal when they are volunteers.

130 PITTARD: I agree wholeheartedly with what you are saying about the problems of volunteers. The way this bill is written could work a very great hardship on some of these volunteers.

149 REP. ROBERTS: Your main concern is then that firemen be excluded from the restrictions of certification?

151 PITTARD: That would satisfy our concern.

156 REP. ROBERTS: The sheriffs are elected, but that does not mean they are going to do a good job. I am looking for a requirement the family of a missing person must be told of all the services that are available, and how to contact them if they want to use them. I do not want to put 10,000 people on the list of being certified because I think the economic impact is going to be a lot greater than what you see here. You all have a place in this system and you are very valuable. If we can get you to work together to produce a service that is superior to what we have, then we have accomplished something.

205 JANET SCHADEWITZ, SECRETARY, MOUNTAIN WILDERNESS SEARCH DOGS:
-Describes record keeping and review process for dogs and handlers.
-Describes training process for dogs and handlers.

285 BRIAN DELASHMINT, OREGON NURSES ASSOCIATION: The Association has reviewed the bill and conceptually agrees with the value of the bill. Strongly supports the bill.

303 REP. ROBERTS: Would you want to see a good system working in the state?

306 DELASHMINT: That is why I said conceptually we think it is a very valuable idea.

312 GEORGE BARTON, DIRECTOR, CHARLESTON RURAL FIRE PROTECTION DISTRICT: States his opposition to the bill. Eighty percent of the fire fighters in the state are volunteers. There is too much time being spent on

certification and additional training.

337 REP. ROBERTS: Is any search and rescue training included?

340 BARTON: Yes, our department trains monthly on that. One of the problems of this bill is that

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it does not approach the issue of interfacing with other organizations. -Describes the involvement of various groups and agencies in a search and rescue situation.

363 REP. ROBERTS: Who does the search and rescue training and what background do they have?

363 BARTON: Some are from the State Fire Marshall's office, most is done by our chief who has attended the National Fire Academy in Washington, DC. -The other problem with the bill is that it sets up a system where all rescue people must be certified. We sometimes do not have enough manpower and have to take people right off the street. This bill would probably set up a situation where we would have a liability if we used uncertified personnel to help us out.

388 REP. FORD: We are going to be very careful about that when we deal with this bill.

403 PAUL MEYERHOFF, ADMINISTRATOR, AERONAUTICS DIVISION, OREGON DEPARTMENT OF TRANSPORTATION: Submits and summarizes written testimony (EXHIBIT D) describing their concerns about HB 3093.

TAPE 90, SIDE B

068 REP. FORD: Do you coordinate when you go out on missing person searches?

072 MEYERHOFF: Normally there is one person designated as the on-site search coordinator. It may be the sheriff's department, it may be the Civil Air Patrol, or it may be us.

079 REP. FORD: Are you always satisfied with the way the searches are conducted?

083 MEYERHOFF: No. We agree with a critique board, but we think it should be a combination of professionals and volunteers. It is difficult if you were not there, to second guess the decisions that are made in a crisis situation on the ground or in the air.

094 REP. FORD: What kinds of problems have you seen in these situations?

097 MEYERHOFF: Sometimes we just do not have the assets.

103 JOE B. HOLDEN, AERONAUTICS DIVISION, OREGON DEPARTMENT OF TRANSPORTATION: Normally we will call off the air search with people still on the ground because we cannot see the individual we are looking

for from the air. We will continue an air search as long as we can until we find the person we are looking for, and we will remain on the scene until the sheriff comes in and takes over on the ground. 111 CHAIR MARKHAM: Who brings in the Civil Air Patrol, you people? 113 MEYERHOFF: That is correct. 125 REP. BELL: Would volunteer pilots fall into the category of this bill and require certification and training?

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128 MEYERHOFF: Our reading of the bill is they probably would. Their training is very much different, in that they are trained to be observers looking for something on the ground.

142 REP. BELL: I think if we look at the critique by the board as educational rather than punitive, it can be used as a tool, rather than a threat to any particular agency or group.

149 MEYERHOFF: Pilots are often put in situations where they are asked to perform search activities as volunteers. What they do may violate federal regulation such as altitude minimums. You will not find pilots cooperating in telling you they broke FAA regulations in order to search. 161 REP. BELL: How would that be necessary?

162 MEYERHOFF: If they were criticizing and said the pilot did not fly low enough. 178 DEBORAH MROZ, AND "GUS", MOUNTAIN WILDERNESS SEARCH AND RESCUE DOGS: Describes the standards that are used for certification. -Describes incident where "Gus" successfully found a lost woman. -Expresses support for provision requiring families be supplied with lists of available resources. -Expresses support for review board provision of the bill. 245 REP. FORD: Have you experienced any problems in going into some of the Oregon counties with your dogs?

249 MROZ: There have been some I have been very confused about. We volunteered our services in Azalea last week and were not accepted.

258 DAVID GRAF, MOUNTAIN WILDERNESS SEARCH AND RESCUE DOGS: I am in charge of these folks' safety on these missions. 269 REP. ROBERTS: What kind of determination do you use to declare a search area unsafe?

272 GRAF: Unstable footing, buildings in danger of collapse, loose rock. -I have to submit training logs. Describes the training he has been required to take. -Describes services currently being provided to Dammasch Hospital. -Expresses support for the bill. -Every search is coordinated by a central command leader, usually the county sheriff.

325 JEREMY N. ADOLF, PRESIDENT, OREGON MOUNTAIN RESCUE COUNCIL: We take exception to a couple of items in this bill. -Expresses concern about fees charged to volunteers under this bill. -Have to uphold both state and national standards. -Cost is of great concern. -Expresses support for the provision to provide reimbursement for the loss or damage to equipment. -Training requirements and certification are redundant. -Provision to provide families with list of available search resources shifts management of the search to the family.

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TAPE 91, SIDE A

021 REP. FORD: It lets the family know there are other groups who have volunteered, and gives them a chance to request their assistance.

022 KEN RAUSCHER, OREGON MOUNTAIN RESCUE COUNCIL: Our concern is this appears to offer a menu of search and rescue choices to the family. The reaction is to want everyone available out there looking, but that may not be the best way to conduct the search. It does put enormous pressure on the search coordinator to use whomever is selected by the family, even when his best judgement would dictate otherwise. 034 REP. BELL:

Do you see any other way to get around the problem that egos get in the way and people are not called upon when they should be? 039 RAUSCHER:

I do not know of any way to get around that. Maybe what is needed is training in search management for the people who are in charge of the searches. 046 ADOLF: A lot of this is already being done. The Mountain Rescue Council does sit on the Sheriffs' Association Advisory Board. -When you have a search coordinator managing a search, he has to look not only at the lost person, but the safety of the rescuers. Just because you have 500 people out there searching does not mean you have an effective search. 066 RAUSCHER: One of our members made a comment about the certification procedure and the payment of fees. He said considering the time commitment and expenses these folks already bear, it sounds like a good way to dim hundreds of points of light in the volunteer rescue community. 073 JOHN OLSON, LEADER, EXPLORER SCOUTS SEARCH AND RESCUE: Describes his background in search and rescue.

-Previous bill contained provisions for some of the matters addressed in HB 309 3. -There have been incidents where a great deal of equipment has been lost or destroyed. -Expresses concern about the part of the bill that requires the list be given to the family. -Describes the makeup and the purpose of the Search and Rescue Advisory Council. -Believes search and rescue is a law enforcement function. -There may be judgmental situations that arise.

,155 C. W. SMITH, SHERIFF, JACKSON COUNTY, OREGON STATE SHERIFFS' ASSOCIATION: Gives his background in search and rescue activities.

167 REP. ROBERTS: These search and rescue volunteers are not sworn as auxiliary police?

169 SMITH: No, these are search and rescue volunteers who must meet certain standards. -I do not have an objection to certification and training standards for dogs. The reason the sheriffs have not been able to develop a consensus on that issue is because you cannot get dog experts to agree on standards. -Some of the incidents described by Mr. Oakes may have been a issues of liability. -The eighteen year old age requirement in the bill could be a problem since we have Scouts .

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participating at age fourteen and under.

-Search and rescue is separate entity from emergency management. The training is different. -We are obliged to pay for the housing of any search unit we bring in, so giving a list to the family could create budget problems.

235 REP. FORD: Do you look at success rates of the available resources?

236 SMITH: Yes, we do. Describes an incident in eastern Oregon where a plane was down. -Asks the sheriffs not be condemned without having all the facts.

263 BILL GAWLOWSKI, MOUNTAIN WILDERNESS SEARCH DOGS: Submits and summarizes written testimony (EXHIBIT E) in support of HB 3093.

295 SARAH MADSEN, CITIZEN: I do not know if a list would be functional, but perhaps an advocate would be to make sure the right questions are asked. I found myself in the middle, trying to keep two groups from fighting each other. That should have been a professional matter between the two, and I should not have had to be involved. Basically it was a territorial issue. It is not something a parent needs to be put into. Parents feel there is not communication and you do not know the questions to ask to make sure things are being done.

346 REP. FORD: What happened in the case of your son regarding the search procedures? 352 SARAH MADSEN: The official search was nine days and then it was canceled. We organized our own search and we found Nathan nine months later. 358 JERRY MADSEN, CITIZEN: The most important thing is that all available resources are used. -It was not certified people who actually found Nathan. Your certified people are good leaders, but you need to use all available resource. 386 VICE CHAIR SOWA: Describes incident in 1988 when his brother became lost while elk hunting. -I realize this bill probably needs some work, but it would be a big asset if we can get all sides working together.

TAPE 92, SIDE A

045 CHAIR MARKHAM: Recesses meeting at 10:55 a.m.

-Resumes meeting at 11:05 a.m.

SB 278 - ALLOWS PHYSICALLY HANDICAPPED ELECTOR TO BECOME PERMANENT ABSENTEE VOTER - PUBLIC HEARING Witnesses: Hank Bersani, Association for the Retarded Citizens of Oregon Vicki Ervin, Director of Elections, Multnomah County Sue Profftt, Elections Division

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052 VICKI ERVIN, DIRECTOR OF ELECTIONS, MULTNOMAH COUNTY: Explains the present procedures for obtaining absentee ballots. It is a very confusing process for the elderly because they have to reapply once every calendar year. SB 278 allows them to stay on the absentee list as long as they are a valid elector or until they request to be removed. -Submits proposed dash four LC amendments dated 4/2/91 to bring military personnel back into the bill.

076 REP. FORD: How are you determining physically handicapped?

079 ERVIN: It is not defined in election law, so we allow the individual to determine for themselves if they fall under the qualifying provision of "physically handicapped".

085 CHAIR MARKHAM: Do they have to sign anything that says they are

handicapped?

086 ERVIN: Most of the applications for absentee ballots have a box to check to indicate their status for permanent absentee ballots.

103 HANK BERSANI, ASSOCIATION FOR RETARDED CITIZENS OF OREGON: Expresses support for the bill. Concerned there are people who are handicapped who can vote, who might prefer an absentee ballot for reasons of privacy or the time it takes to fill out the ballot. Suggests deleting the word "physically" and say only "handicapped".

123 REP. FORD: If we do this we still have some problems with the bill because we have changed the word "handicapped" in the statutes to "disabled". It should be changed to "disabled".

132 BERSANI: We are in accord with Rep. Ford on that.

135 SUE PROFFITT, ELECTIONS DIVISION: I believe the clarification two years ago was "persons with physical disabilities" instead of "disabled". That is the terminology used in most election statutes.

142 ERVIN: Will changing it to "disabled" preclude someone who has no physical disability, but because of frailty currently would qualify?

151 CHAIR MARKHAM: Who would be unhappy with "disabled"?

155 REP. FORD: In the statutes the words are synonymous. It was strictly for appearance sake, and had nothing to do with whether they had one kind of function or not.

168 ERVIN: I want to be sure we are not putting language in that would be narrowing the definition of who would qualify.

178 REP. FORD: I would like Legislative Counsel to give us a determination of how broad "physically handicapped" is. Have them advise us what the terminology should be.

191 REP. ROBERTS: I would be more satisfied if we get something from Legislative Counsel.

195 REP. BELL: On line 17 of the bill they have the words "physically handicapped".

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207 CHAIR MARKHAM: Can we move the bill out subject to getting the appropriate wording from Legislative Counsel?

SB 278 - ALLOWS PHYSICALLY HANDICAPPED ELECTOR TO BECOME PERMANENT ABSENTEE VOTER - WORK SESSION

216 MOTION: REP. ROBERTS moved to amend SB 278 by changing in the summary and on line 17 "physically handicapped" to "disabled".

239 ERVIN: Could we not just say if an elector is disabled or physically handicapped?

239 MOTION: REP. ROBERTS moved to adopt the dash A four LC amendments dated 4/2/91 to SB 278 (EXHIBIT F), by which motion his previous motion was effectively withdrawn. 247 CHAIR MARKHAM: Hearing no objection, it is so ordered.

250 MOTION: REP. FORD moved the rules be suspended for the purpose of adopting a conceptual amendment to SB 278.

251 CHAIR MARKHAM: Hearing no objection, it is so ordered.

254 MOTION: REP. FORD moved in the summary and on line 17 of SB 278 to delete the words "physically handicapped" and insert the terminology consistent with the 1989 legislation on the term for physically handicapped, letter that determination be made by Legislative Counsel.

271 CHAIR MARKHAM: Hearing no objection, it is so ordered.

275 MOTION: REP. OAKLEY moved SB 278 as amended to the floor with a "do pass" recommendation. 277 VOTE: In a roll call vote, the motion carried, with Rep. Bell, Rep. Ford, Rep. Oakley, Rep. Roberts, Rep. Sowa, and Chair Markham voting AYE. Rep. Novick was excused.

Submitted by: Reviewed by: Carolyn Cobb Randall Jones Assistant Administrator

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EXHIBIT LOG: - A - Testimony on HB 3093 - Bob Iseli - 1 page B - Testimony on HB 3093 - Harry Oakes Jr. - 37 pages C - Amendments to HB 3093 - Harry Oakes Jr. - 2 pages D - Testimony on HB 3093 - Paul Meyerhoff - 2 pages E - Testimony on HB 3093 - Bill Gawlowski - 2 pages F - Amendments to SB 278 - Vicki Ervin - 2 pages

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