

**Testimony of Cindy Lou Wyant, Salem-Keizer
No on Senate Bill 754**

Chair Prozanski and members of the Committee, my name is Cindy Wyant. I'm here today to be a voice for my daughter in opposition to this bill. My beautiful daughter Autumn Lee can no longer speak for herself because she's no longer with us. And she should be and could be if it were not for the negligent actions by the rafting outfitter which led to her drowning while on a family trip on the McKenzie River. She leaves behind six wonderful children who have grown up without their mother and while I've done the best I can as their now "NannaMomma", I cry at every graduation, wedding, and birthday, because their mother is missing. Autumn should be there with her kids at these milestones, and it never gets easier. When her first grandchild is born, I am afraid it will more grief than I can manage. The loss to our family is enormous and does not ease with time. And it was all so avoidable.

We had rafted with the outfitter the year before, but this trip started out all wrong. The guides were late, because they had stayed up all night partying, they were hungover, I later learned they were smoking pot the day we rafted, and they didn't do the usual safety drill or instructions of any kind, for our group of friends, business associates and my family members. There were five of my grown children with spouses, and two of my grandchildren on this trip, five rafts and six inflatable kayaks. One guide was assigned to each raft. We discovered later that one "guide" was actually a volunteer who had never been in a raft on the river before. We later discovered that the water was unusually high and fast because the dam above had been released. I later learned that there were even warning signs on the bank where we entered the rafts, warning that a tree was down up ahead, and conditions were extremely dangerous— but no guide mentioned either of these hazards to us or registered any concern about our safety, as we signed the waivers there on the riverbank. The raft that Autumn was in, along with all of my other children, had the volunteer "guide" who guided them directly into the strainer log the signs warned about, they tipped over and everyone was dumped into the icy, rushing water. Her nylon splash guard got caught, holding her under the raft. None of the so-called guides threw out any rope or deployed any rescue tactics to free her. The river held her under until my other daughter Jaci got to her and cut her free from the log. It was all so surreal. Jaci and my son JD kept trying to breathe for her, doing CPR on her, while I climbed up blackberry brambles, up the steep canyon to flag down help. Again, the guides were useless as Autumn's children looked on, hysterical with terror.

When paramedics finally arrived, they made life-saving efforts until LifeFlight arrived. All the while I was in denial, still parenting her, in shock. As I sobbed, I kept saying "stop it Autumn, you're scaring us" and praying to God, begging Him to save her. She spent the next three days on life support before she was removed.

Our family has gone through extremely fractured and dark times. It's 12 years later and I still catch myself collapsing into guilt for not cancelling that trip. Autumn's youngest daughters were 4 and 5 at the time and hardly remember her. Autumn was the main breadwinner for her family of eight. She was a bright light and a valued career professional at Willamette Valley Vineyard. Without her income, my husband and I have financially assisted so that her children can have dance and music lessons, go to summer camp, college and mission trips. I take them school clothes shopping and make sure they have what they need. What happens to families and children that don't have grandparents that can do that? Do they spend the rest of their years as minors not having those privileges? Who is responsible for

that? Who should be? Why would negligence in a raft or other recreational vehicle be any different than in a limo or other car?

There's no way a liability waiver should de-value my daughter's life or any other beloved family member's life. I trusted the rafting outfitter, and they had a precious responsibility that day in keeping my family safe and they failed on so many fronts. Why didn't they scout the river ahead of time? Why didn't they warn me about or steer clear of the log or deploy any rescue procedures? Why would they allow a volunteer, untrained "guide" to be part of a professional tour? Had I known the facts, we would not have signed the waiver and would not have gotten into those rafts that day. I relied on the professionalism and their rafting knowledge and the rafting company staff to keep my family safe. What good is a waiver, if you have the situation we had, that resulted in Autumn's death? And how is a family responsible if they are not made aware of all the facts, all the dangers, prior to signing the waiver?

To allow an outrageously avoidable scenario like this to occur to another Oregon family with no or limited accountability would be unconscionable. That's why I'm **urging you to Vote No on Senate Bill 754**. Thank you.