

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT.

The meeting was called to order by Chairperson Representative Joann Freeborn at 3:30 p.m. on February 13, 2003 in Room 231-N of the Capitol.

All members were present except: Representative Larry Powell - excused  
Representative Daniel Thimesch - excused

Committee staff present: Raney Gilliland, Legislative Research  
Emalene Correll, Legislative Research  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Secretary

Conferees appearing before the committee: Sarah Holbert, CARES, PO Box 314, Concordia, KS 66901  
Michael Byington, KS Relay Service Inc., 700 SW Jackson Ste  
704, Topeka, KS 66603  
Mark Coates, KS Association for the Blind & Visually  
Impaired, 924 S. KS Avenue, Topeka, KS 66612  
Ann Byington, Guide Dog Users of Kansas, 700 SW Jackson  
Ste 704, Topeka, KS 66603  
Sanford Alexander, Board of Directors Guide Dog Foundation,  
Smithtown, NY, 5321 Plaza Lane, Wichita, KS 67208  
Shelly May, KS Council on Developmental Disabilities, 915  
SW Harrison, Rm 141, Topeka, KS 66612-1570  
Martha Gabehart, KS Commission on Disability Concerns,  
1430 SW Topeka, KS 66612  
Robin Pool, 7901 E. 87<sup>th</sup> Street, Derby, KS 67037  
Dee Winter, 8117 159<sup>th</sup> Road, Winfield, KS 67156

Others attending: See attached sheet

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She announced that the committee would be working two bills today before the hearing on **HB2197**. The first bill to be discussed is **HB2219**.

**HB2219: Repeal of requirement that Secretary of Health and Environment publish all department policies, guidelines and standards.**

Language brought forth was in the form of a substitute bill.

**Proposed Substitute for HB2219: Concerning certain documents of the secretary of health and environment.**

Mary Torrence, Revisor of Statutes, explained the proposed substitute bill.

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Rep. Dan Johnson made a motion **Proposed Substitute for HB2219** be adopted. Rep. Lee Tapanalli seconded the motion. Motion carried.

Rep. Tom Sloan made a motion **Proposed Substitute for HB2219** be passed favorably. Rep. Mary Compton seconded the motion. Motion carried. Rep. Lee Tapanelli will carry the bill on the House Floor.

The Chairperson opened **HB2223** for discussion and possible action.

**HB2223: Solid waste terminology; conformity to federal law.**

Rep. Tom Sloan made a motion **HB2223** be passed and placed on consent calendar. Rep. Ted Powers seconded the motion. Motion carried.

Chairperson Freeborn reviewed the committee agenda for next week. Tuesday, February 18, hearing and possible action on **HB2218**- Hazardous waste; unlawful acts, technical correction; and hearing on **HB2196**- Storage tanks; applicability of certain prohibitions. On Thursday, February 20, possible action on bills previously heard, hearing on **HB2247**- Environmental use controls; prohibition or restriction of activities on or use of property where contamination has occurred; and Review of Management of Federal Aid Funds by Secretary Mike Hayden, KS Department of Wildlife and Parks and staff.

The Chairperson opened the hearing on **HB2197**.

**HB2197: Assistance animals for handicapped and disabled persons.**

Emalene Correll, Legislative Research Department, explained the bill.

Chairperson Freeborn welcomed Sarah Holbert, Canine Assistance, Rehabilitation, Education and Services (CARES), to the committee. She testified in support of the bill. CARES began placing canine assistants with persons in 1994. Since that time they have placed over 330 assistance dogs in 26 different states, Puerto Rico and Peru. 57% of their placements work here in the State of Kansas. Public access, protection under the law, as well as the ability to punish violators, will give Kansas citizens working with assistance dogs the assurance that the partnerships they have with their dogs will have been given every consideration by the people chosen to represent them in Topeka. (See attachment 1)

Michael Byington, Kansas Relay Service Inc., was welcomed. He testified in support of the bill and appeared as a consultant today. He can say with considerable certainty what the bill would do, why the coalition of people who worked on it feel it is essential, and what some of the problems are with the current set of statutes on guide, service, and hearing assistance dog access. This legislation is the process of several years of hard work and evolution. In light of federal law, and in light of the differing types of training processes available for guide, service, hearing assistance, and professional therapy dogs, this is probably the best researched and most comprehensive set of statute reforms among many which have been introduced in various states. (See attachment 2)

Mark Coates, Legislative Chair, Kansas Association for the Blind and Visually Impaired, Inc. (KABVI), was

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welcomed to the committee. He testified in support of the bill. KABVI has been an advocacy organization working on access issues for blind and visually impaired Kansans for over 80 years. KABVI was the organization that first asked the Kansas Legislature for access laws for guide dogs nearly 70 years ago. The organization has kept track of the progress of these statutes ever sense they were passed, and have been involved throughout the process of working with the other disability groups, who are now also using assistance dogs, in putting this legislation together. (See attachment 3)

Ann Byington, President, Guide Dog Users of Kansas, was welcomed. She testified in support of the bill on behalf Guide Dog Users of Kansas, an affiliate organization of Guide Dog Users Inc., a nationwide consumer group of blind persons who attain independence by traveling with guide dogs. This bill not only addresses issues hitherto not included in access legislation, but more importantly because the crafting of this legislation marks a positive compromise and coalition effort of diverse groups, guide, hearing and service dog users, dog trainers and professional therapeutic dog handlers. (See attachment 4)

Sanford Alexander, Board of Directors, Guide Dog Foundation, Smithtown, N.Y., was welcomed to the committee. He testified in support of the bill and believes it is the product of several years of work by a growing coalition of groups in Kansas interested in seeing that guide, service and hearing dogs are afforded the rights and protection they deserve that will ensure their human partners full enjoyment of the independence they are intended to help provide. It has grown in strength through hard work, to resolve sincere differences between the various components making up the coalition. It has also benefitted from the several years of effort by Coalition of Assistance Dog Organizations (CADO), which has been wrestling with the same issues on a national level. (See attachment 5)

Shelly May, Kansas Council on Developmental Disabilities, was welcomed. She testified in support of the bill as the bill includes definitions and protections for animals that promote the independence, health and safety, and inclusion of people with disabilities. The Council also supports the identification requirements for service animals and their handlers and penalties for interference, injury of destruction of such animals. Passage of this legislation not only recognizes the value and necessity of service animals, it reinforces Kansas' commitment to independence and inclusion for all citizens. (See attachment 6)

Martha Gabehart, Kansas Commission on Disability Concerns, was welcomed to the committee. She testified in support of the bill and believes guide and assistance dogs are important means of mobility and assistance to a significant segment of people with disabilities. With their help, these animals make it possible for people to live independently and work. The proposed changes to the current statutes regarding guide and assistance animal. These changes are necessary because current law does not have any special penalty for these actions. (See attachment 7)

Committee questions of the proponents and discussion followed.

Chairperson Freeborn welcomed Robin Pool, Founder/Executive Director and lead-trainer at Paws-Up, Inc., to the committee. She testified in opposition to the bill and has concerns about the use of language within the bill. She believes it does nothing but violate the civil rights of people with disabilities. The ADA was designed to protect the rights of individuals with disabilities by not requiring those who are accompanied by an assistance dog to carry or produce documentation or identification as a condition of equal access. She

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believes this bill only creates segregation by allowing someone with no qualifications within the disability and/or assistance dog community to stop someone like herself at the front door of a business and detain them for as long as they need to view their documentation/identification prior to entering the establishment. (See attachment 8)

Dee Winter, resident of Winfield, KS, former dog trainer and presently involved with Paws-Up, Inc., was welcomed to the committee. She testified in opposition to the bill and has concerns about several issues proposed. She believes the bill should not include both service dogs and therapy dogs in one bill. While both issues should be addressed they should be handled as separate bills. The Americans with Disabilities Act of 1990 was created to protect the disabled person not the service dog. This bill clearly violates civil rights to privacy under the Constitution of the United States. She wonders who will enforce the law if interference and/or damage to a service dog is made a felony. (See attachment 9)

Written testimony only, in opposition to the bill, was submitted by Kirk W. Lowry, Attorney, Topeka Independent Living Resource Center, (See attachment 10) and Sharon Thomas, Wichita, Kansas. (See attachment 11)

Committee questions of the opponents and discussion followed.

The Chairperson closed the hearing on **HB2197** and appointed a sub-committee to discuss the bill, Rep. Joann Freeborn, Chairperson; Rep. John Faber; and Rep. Donald Betts.

The meeting adjourned at 5:30 p.m. The next meeting is scheduled for Tuesday, February 18, 2003.