

MINUTES OF THE House COMMITTEE ON Federal and State Affairs

The meeting was called to order by Neal D. Whitaker, Chairman at
Chairperson

1:30 ^{xxx}
a.m./p.m. on January 31, 1983 in room 526-S of the Capitol.

All members were present except: Reps. Goossen, Ramirez, Sallee, and Hensley, who were excused.

Committee staff present:

- Russ Mills, Legislative Research
- Mary Torrence, Revisor of Statute's Office
- Nora Crouch, Committee Secretary

Conferees appearing before the committee:

- Representative Sandy Duncan
- Michael Byington, Kansas Association for the Blind & Visually Impaired
- Rob Tabor, Kansas Association for the Blind & Visually Impaired
- Mary Adams, Kansas Association for the Blind & Visually Impaired
- Ron Blakley, Sedgwick County Zoo
- Craig Dinsmore, Curator, Topeka Zoo

Chairman Whitaker called the meeting to order and announced that HB 2088 was on hearing status.

Rep. Sandy Duncan appeared to explain the provisions of HB 2088 advising that the White Cane Laws were adopted to give access to the blind or visually impaired persons who use guide dogs. If the guide dogs are restricted from going into certain places then in effect the persons with them are also restricted. A new section is created that speaks about the specific use of guide dogs in zoos.

Michael Byington, Kansas Association for the Blind & Visually Impaired spoke in support of HB 2088 but asks that it be made more advantageous to the blind and visually impaired of the state. He would not encourage any restriction of guide dogs that would separate the two. The bill might actually improve access for them as the sighted guide can much better explain the zoo. The cleanliness of the animal is not in question. The fact does exist that disease can be transmitted in either direction, from the dog to zoo animals and from zoo animals to the dog. He suggested adding the words restaurant, eating place, and grocery in Section 2 to make it quite clear that guide dogs are allowed in these establishments.

Rob Tabor, a Topeka attorney, appeared in behalf of HB 2088 stating that he is a guide dog user and in the last 2½ years he has had very good luck in terms of acceptance with his dog. He agrees with the statement of intent on HB 2088 to protect the guide dogs from attack as well as preventions from disease. He further supported the proposed amendment of Mr. Byington. *Atch. D*

Mary Adams, Kansas Association for the Blind and Visually Impaired, appeared in support of HB 2088.

Ron Blakley, Sedgwick County Zoo, and Kansas Association of Zoos, appeared in support of HB 2088. He stated that no zoo has any intention of shutting anyone out. They already have kennel facilities at the zoo so the kenneling of guide dogs would be no problem. He stated that visitors to the zoo cut through all cultural and educational backgrounds and he believes that the blind and visually impaired can benefit from this program.

Craig Dinsmore, Curator, Topeka Zoo, appeared in favor of HB 2088 stating the zoos do not say blind persons do not take care of their dogs. They probably take better than average care of their dogs but that still leaves the fear of infection that can adversely affect both the zoo population and the guide dogs. Most zoos today have the job of protecting the endangered species of this earth's wildlife and it would be tragic to lose any of them.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the House Committee on Federal & State Affairs, 1983

January 31, 1983

Chairman Whitaker announced that a bill had been drafted regarding the office of the Ombudsman for Corrections. Last year the Legislature passed the bill requiring admittance of the Ombudsman to corrections facilities and gave them subpoena powers, however, it was vetoed by the Governor. They would like to have the bill re-introduced however without the subpoena powers in it.

The Chairman further stated he thought the measure is very important in maintaining the integrity of the Ombudsman's Office and is a necessary part of our checks and balances for the Department of Corrections. Rep. Vancrum moved, Rep. Fuller seconding, that the bill be introduced as a Committee bill. The motion passed. (See Attachment A)

Chairman Whitaker advised that since HB 2145 had been introduced, the Speaker felt there should be alternatives so a bill is being drafted moving the age from 18 to 19, making one strength beer, and Sunday sales available. Rep. Ott moved, Rep. Vancrum seconding, that the bill be introduced as a Committee bill. The motion passed.

Rep. Peterson moved, Rep. Eckert seconding, that HCR 5003 be recommended favorably for passage. Rep. Vancrum substitute motioned, Rep. Barr seconding, that on Line 34 the word "odd" be changed to "even". The motion passed. The Committee discussed the bill in some detail. Mary Torrence advised the Committee that an explanation of the bill would have to be on the ballot. Rep. Ott moved, Rep. Matlack seconding, that the explanation be accepted. The motion passed. Rep. Roe moved, Rep. Peterson seconding, that HCR 5003 be tabled. The motion passed. (See Attachments B & C)

Rep. Vancrum moved, Rep. Brady seconding, that the minutes of the January 24th and January 26, 1983, meetings be approved. The motion passed.

The Chairman reminded the Committee of the joint meeting with the Senate Committee to hear Mr. Gary Rayl, KSP, respond to the Henderson-Lovelace Reports would be in Room 313-S on Tuesday, February 1st, at 11:30 A.M.

The meeting adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE Jan. 31st 1983

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Army Carter	1810 Jewell	Anthony Hensley
Kim C. Dewey	525 N. Main 67203	SEDEWICK County
Craig Dinsmore	2806 Indian Trail 66614	Topeka Zoological Park
R. L. BLAKELY	Rt 1, Cheney, Ka.	SEDEWICK Co. Zoo
Jammy Johnson		Intern - Sedg Co.
M. Hewitt	Topeka	Cap - Journey

AN ACT concerning corrections; correction's ombudsman board; ombudsman of corrections; secretary of corrections; access to correctional institutions and other powers.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The ombudsman of corrections shall have the power to enter and inspect at any time any premises under the control of the secretary of corrections and may delegate that power in writing to any ombudsman associate.

Sec. 2. (a) No documents relating to complaints, investigations or studies in the possession of the ombudsman of corrections or any employee of the ombudsman shall be read or confiscated by any officer or employee of the department of corrections.

(b) Correspondence between a person who is in the custody of the secretary of corrections and the ombudsman of corrections or the corrections ombudsman board shall be forwarded at once, unopened, to the addressee.

Sec. 3. The ombudsman of corrections shall have the power to administer oaths and take testimony and may delegate such power in writing to any ombudsman associate.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Attach B

House Concurrent Resolution No. 5003

By Representative L. Johnson

1-13

0016 A PROPOSITION to amend section 2 of article 2 of the consti-
0017 tution of the state of Kansas, relating to members of the
0018 legislature.

0019 *Be it resolved by the Legislature of the State of Kansas, two-thirds*
0020 *of the members elected to the House of Representatives and*
0021 *two-thirds of the members elected to the Senate concurring*
0022 *therein.*

0023 Section 1 The following proposition to amend the constitu-
0024 tion of the state of Kansas shall be submitted to the qualified
0025 electors of the state for their approval or rejection: Section 2 of
0026 article 2 of the constitution of the state of Kansas is amended to
0027 read as follows:

0028 "§ 2. Senators and representatives. The number of rep-
0029 resentatives and senators shall be regulated by law, but shall
0030 not exceed one hundred twenty-five representatives and forty
0031 senators. Representatives and senators shall be elected from
0032 single-member districts prescribed by law. *In the year 1984*
0033 *and thereafter, representatives shall be elected for two four-*
0034 *year terms, except that representatives elected in ~~odd num-~~*
0035 *bered representative districts in 1984 shall have terms of only*
0036 *two years. Senators shall be elected for four-year terms. The*
0037 *terms of representatives and senators shall commence on the*
0038 *second Monday of January of the year following election."*

0039 Sec. 2. This resolution, if concurred in by two-thirds of the
0040 members elected to the house of representatives and two-thirds of
0041 the members elected to the senate, shall be entered on the jour-
0042 nals, together with the yeas and nays. The secretary of state shall
0043 cause this resolution to be published as provided by law and shall

even-numbered

No representative shall serve more than two full consecutive terms, but terms commencing prior to January 14, 1985, shall not count toward this prohibition.

Atch. B

Attach e

ballot

PROPOSED AMENDMENT

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This proposed amendment would change the terms of state representatives from two years to four years and would alternate their terms so that half of the representatives would be elected one year and the other half would be elected two years later.

"A vote for the proposed amendment would increase state representatives' terms to four years and would stagger their terms so that only half of the representatives would be standing for election in the same year.

"A vote against the proposed amendment would continue the current two-year term for state representatives."

Attach. e

Kansas Association for the Blind and Visually Impaired, Inc.

RESOLUTION 81-5

WHEREAS MOST DOG GUIDE SCHOOLS PROVIDE THEIR GRADUATES WITH A COPY OF THE "WHITE CANE LAW" OF THE STATE IN WHICH THE GRADUATE RESIDES,

AND WHEREAS SECTIONS OF THE LAWS USUALLY EXPLAIN THE DOG GUIDE'S RIGHT OF ACCESS TO A FACILITY WHEN QUESTIONED,

AND WHEREAS THE KANSAS FOOD SERVICE AND LODGING BOARD REGULATIONS SPECIFICALLY ALLOW DOG GUIDES TO ACCOMPANY BLIND PERSONS IN DINING AREAS OF RESTAURANTS, CLUBS, AND CAFES,

AND WHEREAS MANY RESTAURANT, CLUB, AND CAFE EMPLOYEES ARE NOT AWARE OF THESE EXCEPTIONS TO THE STATE BOARD OF HEALTH LAWS,

AND WHEREAS THE WHITE CANE LAWS FOR TWENTY OTHER STATES AND WASHINGTON D.C. CONTAIN THE WORDS "RESTAURANT, EATING PLACE," AND OR, "GROCERY STORE," AS PART OF THEIR PROVISIONS,

AND WHEREAS A CHANGE IN THE PRESENT KANSAS WHITE CANE LAW IS STILL NEEDED EVEN THOUGH PREVIOUS ATTEMPTS BY THE KANSAS ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED INC. TO CHANGE IT HAVE FAILED,

THEREFORE, BE IT RESOLVED, THAT THE KANSAS ASSOCIATION FOR THE BLIND AND VISUALLY IMPAIRED INC., IN CONVENTION ASSEMBLED, OCTOBER 4, 1981, AT THE DOWNTOWN HOLIDAY INN, TOPEKA, KANSAS, DIRECTS ITS LEGISLATIVE COMMITTEE TO TAKE ALL ACTIONS NECESSARY TO AMEND SECTION 2 (2) OF KSA 39-110, THE KANSAS WHITE CANE LAW, 1969, BY ADDING THE WORDS UNDERLINED BELOW MAKING THE LAW TO READ AS BELOW.

SECTION 2. "EVERY TOTALLY OF PARTIALLY BLIND PWRSON SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY A GUIDE DOG IN OR UPON . . . (2) HOTELS, LODGING PLACES OF PUBLIC ACCOMMODATION, AMMUSEMENT, OR RESORT INCLUDING EATING PLACES AND GROCERY STORES, AND (3) OTHER PLACES TO WHICH THE GENERAL PUBLIC IS INVITED SUBJECT ONLY TO THE CONDITIONS AND LIMITATIONS ESTABLISHED BY LAW, AND APPLICABLE ALIKE TO ALL PERSONS . . ."

adopted.