

Approved April 4, 1983  
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at  
Chairperson

11:00 a.m./~~p.m.~~ on March 23, 1983 in room 254-E of the Capitol.

All members were present except:

Committee staff present: Fred Carman, Assistant Revisor of Statutes  
Russell Mills, Legislative Research  
Emalene Correll, Legislative Research  
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee: Rep. Sandy Duncan  
Ron L. Blakely, Sedgwick County Zoo  
Rep. Jim Patterson  
Ned Stichman, President, Kansas Association of Zoos  
Michael Byington, Kansas Assn. for Blind and Vis. Impaired, Inc.  
Lawrence Buntmeyer, Lawrence  
Richard Edlund, National Federation of the Blind  
of Kansas, President  
Dr. Chuck Hallenbeck, Professor, University of Kansas  
Robert Tabor, Attorney, Topeka  
Craig Dinsmore, General Curator, Topeka Zoo  
Pamela Rusk, Topeka

The Chairman recognized Fred Carman who presented a proposed bill to carry out the change in the consumer credit code. (Attachment #1, 3RS1327) It is made a part of the record.

Senator Pomeroy moved the bill be introduced with the request that it be referred back to Commercial and Financial Institutions Committee. 2d by Senator Gannon. Motion carried.

HB2088 - relating to limitations on guide dogs accompanying blind persons to zoos.

The Chairman announced that HB2088 is scheduled for hearing. Rep. Sandy Duncan, author of the bill, appeared as the first conferee. He said the bill was requested by the Sedgwick County Zoo. He had some suggested amendments to the bill. (Attachment #1A)

Rep. Duncan introduced Ron Blakely, who spoke in favor of the proposed legislation. His remarks are a part of the record. (Attachment #2) Rep. Jim Patterson was recognized by the Chair and introduced Mr. Ned Stichman, one of his constituents. Mr. Stichman's remarks are a part of the record (Attachment #3), and state that he feels support of this bill will improve the well-being of zoo animals and enhance the experience of the guide dog owner.

Michael Byington was the next conferee. He spoke in favor of the proposed legislation, provided the proposed amendment was a part of it. He said it is the feeling of his organization that this amendment would make it more clear as to where a guide dog can go.

Mr. Buntmeyer appeared in opposition to the bill.

Richard Edlund appeared in opposition to the bill. His organization also opposed the proposed amendment, not on the medical arguments, but that what it is doing in effect is limiting people's common sense. They would like to see the white cane law left where it is.

Dr. Chuck Hallenbeck cited 3 types of situations as a guide-dog owner:

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 254-E, Statehouse, at 11:00 a.m./p.m. on March 23, 1983.

1. Where the use of a guide dog is critical; 2. Convenience, but where the use of the guide dog is not critical: id est: restaurants, classrooms;  
3. Where it would be difficult and unwise to use a guide dog. Example: on an escalator. There is no law that keeps one off an escalator with his or her dog. He stated that the white cane law is a very important piece of the civil rights legislation and that it should be kept as it is. (Attachments #3A and 3B)

Robert Tabor spoke to the effect that he does support the law with the proposed amendment but would be opposed to it without the amendment. (Attachment #4)

Craig Dinsmore spoke next. A copy of his remarks are a part of the record. He strongly recommends passage of HB2088. (Attachment #5)

Pamela Rusk, a blind restaurant worker, spoke in favor of the bill, with the proposed amendment.

Rep. Fred Weaver was unable to be present but left a copy of his prepared statement in opposition to the bill. (Attachment #6)

Copies of statements of others wishing to speak concerning HB2088, but who were unable to appear, are made a part of the record as follows:

Tom Anderson, Second Vice President, National Federation of the Blind of Kansas, and President, Douglas County Chapter, states that his organization does not want the bill passed. (Attachment #7)

Legislative Committee of Kansas Association for the Blind and Visually Impaired, Inc., composed of Mary Adams, Chairperson; Susan Tabor, Michael Byington, William Lewis, Ardonna Pohl, and Sam Wilson: states that they favor the bill with the proposed amendment. (Attachment #8)

Ann Byington states that she favors support of the amendment to HB2088. (Attachment #9)

The meeting adjourned at 12:00 noon.

SENATE BILL NO. \_\_\_\_\_

By Committee on Federal and State Affairs

AN ACT amending the uniform consumer credit code; concerning certain notice requirements; amending K.S.A. 1982 Supp. 16a-3-204 and repealing the existing section.

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

Section 1. K.S.A. 1982 Supp. 16a-3-204 is hereby amended to read as follows: 16a-3-204. (1) If a creditor makes a change in the terms of an open end credit account without complying with this section any additional cost or charge to the consumer resulting from the change is an excess charge and subject to the remedies available to consumers (section 16a-5-201) and to the administrator (section 16a-6-113).

(2) A creditor may change the terms of an open end credit account whether or not the change is authorized by prior agreement. Except as provided in subsection (3), the lender shall give to the consumer written notice of any change at least ~~three times,--with--the--first--notice--at--least--six--months~~ 30 days before the effective date of the change.

(3) The notice specified in subsection (2) is not required if:

~~{a}--The--consumer--after--receiving--notice--of--the--change agrees--in--writing--to--the--change;~~

~~{b}--the--consumer--elects--to--pay--an--amount--designated--on--a billing--statement--as--including--a--new--charge--for--a--benefit--offered to--the--consumer--when--the--benefit--and--charge--constitute--the--change in--terms--and--when--the--billing--statement--also--states--the--amount payable--if--the--new--charge--is--excluded;~~

~~{c}~~ (a) The change involves no significant cost to the consumer; or

~~{d}~~ (b) the consumer has previously consented in writing to

the kind of change made ~~and notice of the change is given to the consumer in two billing cycles prior to the effective date of the change, or~~

~~(e) the change applies only to debts incurred after a date specified in a notice of the change given in two billing cycles prior to the effective date of the change.~~

(4) The notice provided for in this section is given to the consumer when mailed to the consumer at the address used by the creditor for sending periodic billing statements.

~~(5) Notwithstanding subsection (2), from and after the effective date of this act and until July 17, 1983, a creditor may change the finance charge in an open end credit account after 30 days written notice is given to the consumer.~~

Sec. 2. K.S.A. 1982 Supp. 16a-3-204 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

## PROPOSED REPORTS OF STANDING COMMITTEES

On page 1, before line 20, by inserting:

"Section 1. K.S.A. 39-1101 is hereby amended to read as follows: 39-1101. It is hereby declared to be the policy of this state to encourage and enable the blind, the visually handicapped and persons who are otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment. ~~Said~~ Such persons shall have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places, ~~and said persons~~ and are entitled to full and equal accommodations, advantages, facilities and privileges of:

(1) All common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation;

(2) hotels, lodging places and places of public accommodation, amusement or resort, including eating establishments 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.";

By renumbering sections 1 through 3 as sections 2 through 4;

Also on page 1, in line 40, by striking "39-1102 is" and inserting "39-1101 and 39-1102 are";

In the title, in line 16, by striking all after "concerning"; in line 17, by striking all before the semicolon and inserting "certain rights of blind, visually handicapped and physically disabled persons"; in line 18, after "K.S.A.", by inserting "39-1101 and"; also in line 18, by striking "section" and inserting "sections"

Minutes of 3/23/83  
Attachment #2

There are ten zoos in the Kansas Association of Zoos. Collectively, they are host to nearly a million visitors each year and their respective Zoological Societies have several thousand members.

Our concern for the legislation before this committee is twofold; embracing both the possibilities of disease and stress.

When we speak of potential disease between dogs and their wild counterparts we are not referring to well-known diseases such as rabies or distemper. Both zoo animals and the well-cared for dog are inoculated against these diseases. Moreover, our concern is as much for the dog as it is for the zoo animal. It is entirely possible for a wild canine to harbor a disease, from which it shows no ill effects, that could be serious or fatal to a domestic dog. It is a situation similar to the disease smallpox which was relatively harmless to people of European descent yet killed whole tribes of peoples who had no inherited resistance. Viruses, particularly, are subject to change and the development of new strains. This is exemplified by the fact that nearly every year we are confronted by a new and seemingly virulent strain of influenza. We inoculate against Swine Flu and Hong Kong Flu but the new variety yet to come will make millions ill and claim many lives.

Because of the potential of disease transmission and its effect upon farm animals, the United States Department of Agriculture requires that hundreds of species of birds and animals must be quarantined in the country of their origin, then quarantined in this country and finally spend the remainder of their lives quarantined in the zoo. There are strict regulations for the disposal of the animals upon their death. Indeed, even their manure is quarantined. To the best of my knowledge there has never been an outbreak of some obscure disease from zoo animals to domestic animals. We want to keep it that way.

Also of concern to us is the potential of stress. We are all familiar with the cases of horses suddenly shying, even at harmless objects they've seen many times before. Wild animals are even more prone to violent reactions. When confronted with a large predator such as a dog they may either flee or attack. If they flee this can result in a serious or fatal collision with a fence or wall. It has happened many times. And no matter how well trained a dog is, it is impossible to believe it will stand steady if a large animal such as a lion were to charge at it. The dog has no way of knowing that the wild animal is confined and its subsequent panic could, especially in the case of a Seeing-Eye Dog, injure its owner.

Why do we have these concerns? We, as zoo staff members, are charged with the well-being of our collection and the public we serve. In these collections are animals of rare and endangered species. Currently the extinction rate is one species per day - every day. We have, for example, 7 Golden Tamarins at Sedgwick County Zoo. These represent 3% of the total population of these creatures, which means that there are more than three times the number of original Rembrandts in existence than there are living individuals of this rare and beautiful creature. There are thousands of other species in similar conditions. Most zoos of any size and scope cooperate on an international basis in the efforts of preservation of these precious, disappearing creatures. Risks, no matter how small, are intolerable.

The legislation under consideration here has, I believe, worked well in California and Arizona where it currently is in effect. It is protective of all involved - both people and animals. Moreover, it allows we who work in zoos to more effectively reach out to a group who has had little use of zoos in the past - those whose vision is seriously impaired or gone. To serve every one of the public is precisely why zoos exist. I urge your active support of this legislation.

March 23, 1983  
Attachment #3

# KAZOOS

Kansas Association of Zoos

Statement supporting HB 2088 presented before  
the Senate State and Federal Affairs Committee  
Hearing March 23, 1983

Zoos have changed substantially during the past few years. With the advent of television, movies, and an increased awareness of wildlife and conservation, emphasis in zoos has shifted from "an oddity in a box" to natural environments, relationships between plants, animals, and people, and becoming producers of wildlife rather than consumers of wildlife. Today, zoos are reaching out to attract and educate as many people as possible whereas in past years, the zoo was mostly or entirely tax-supported and visitors were too often deemed a nuisance in the zookeeper's routine.

Involved in this shift toward education and conservation is a recognition of both the psychological and physiological needs of the animal on display as well as the safety, comfort, and entertainment of the visitor. Progress continues toward assuring these ends--perimeter fences are erected, access is controlled, displays are screened one from another, security guards are hired, zookeeper forces are expanded, and veterinarians are hired.

In regard to HB 2088, I do not have an appropriate background to speak to the issue of disease transmission from dogs to zoo animals and vice versa. However, I have observed, due to the open nature of Ralph Mitchell Zoo, the reactions of zoo animals to unfamiliar animals including dogs. Reactions vary from species to species and from individual to individual within a species. These reactions range from total disregard to overt aggression by the zoo animal to flight from the unfamiliar animal. The visiting animal need not be aggressive or even interested. Often the non-resident animal is in an automobile or simply walking by, paying little if any attention to the zoo animal.

Zoos strive to maximize the experiences of our visitors. We strive to do this through, among many other ways, special tours. Whether a person is old or young, expert or novice, blind or sighted, a personal tour enhances the experience.

Thank you for allowing me to appear here today. I would appreciate your support for this bill which I feel will both improve the well-being of our zoo animals and enhance the experience of the guide dog owner.

Respectfully submitted,  
Ned Stichman, President  
Kansas Association of Zoos



The Case Against House Bill 2088  
Presented March 23, 1983, by  
The National Federation Of The Blind Of Kansas

The History

For more than fifty years, some blind persons have used specially trained dog guides as aids in their daily travel. While public acceptance is generally high, White Cane Laws are required in most states to guarantee the rights of such persons to use public accommodations and common carriers. Where discrimination is found, it is generally based on the belief that dog guides might misbehave, or might introduce dirt, dog hair, or disease into some sensitive settings. In spite of these common negative attitudes, only one state has adopted an exception to the public accommodations provisions of the White Cane Law. The state is California, and the exception is zoos. The absence of similar exceptions in the other forty-nine states provides evidence that the proposed amendment is not necessary in Kansas.

Existing And Proposed Law

The White Cane Law. Kansas law guarantees a blind person the legal right to be accompanied by a specially trained dog guide in all public accommodations and on all common carriers. No extra charge can be levied because of the dog guide's presence, but the dog guide user is liable for any damage to the premises that the dog might cause. "public accommodations" include public buildings, hotels, lodging places, restaurants, stores, places of resort and amusement, and all other places to which the general public is invited. "common carriers" include boats, airplanes, busses, trains, taxis, and all other modes of transportation offered for public use.

House Bill 2088. The proposed amendment to the White Cane Law would permit zoos, zoological parks, and zoological gardens to deny admission to a blind person accompanied by a specially trained dog guide, provided that (1) a kennel is made available for the dog, and (2) a guide is made available for the blind person.

The Arguments

(1). Dog guides are likely to misbehave in the presence of zoo animals, especially where such animals mingle freely with the general public.

Response. The behavior of the dog guide is the responsibility of the blind person, just as the behavior of children is the responsibility of their parents. To bar all dog guides from all areas of zoos, zoological parks, and zoological gardens because some of them might misbehave in open areas of some zoos is no more fair than to bar all children because some of them might misbehave. The White Cane Law does not require any public accommodation or common carrier to accept dog guides whose behavior is not under control.

(2). Dog guides might introduce or contract diseases from zoo animals, especially where such animals mingle freely with the general public.

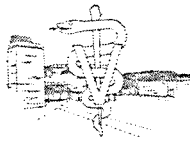
Response. Dog guides receive close attention for matters of health, including regular inoculations for common canine diseases such as rabies and parvo virus influenza. Zoo animals presumably receive the same close care. When a dog guide accompanies a blind person to a zoo, the dog is in harness and working, and does not run freely among the zoo animals. There is very little risk that such contact will result in diseases being spread.

(3). The presence of even a well behaved and healthy dog guide might cause some zoo animals to "spook", or panic, resulting in distress or injury to such animals.

Response. Close contact between zoo animals and the general public must be stressful for such animals, and the risk of panic must always be present. If it can be shown that this risk is increased by the presence of a well controlled dog guide, then the dog guide user should be advised of that risk, and that he or she is liable for any damage to the premises that the dog might cause.

#### Summary

House Bill 2088 would permit zoos, zoological parks, and zoological gardens to deny admission to blind persons accompanied by specially trained dog guides. This exception to the public accommodations provision of the White Cane Law is not necessary, it is regressive, and it would encourage other public facilities to seek exceptions from such coverage for themselves. Arguments in support of the proposed amendment are based on prejudice, stereotype, and the unsupported belief that zoo animals which mingle comfortably with the general public would nevertheless panic in the presence of well behaved and healthy dog guides. Numerous zoos in nearly every state have accommodated to the occasional blind visitor who is accompanied by a dog guide without special status under the law.



## Department of Surgery and Medicine

College of Veterinary Medicine  
Veterinary Medical Center  
Manhattan, Kansas 66506  
913-532-5690

9 March 1983

Professor Charles Hallenbeck  
Department of Psychology  
426 Fraser Hall  
Lawrence, Kansas 66045

Dear Dr. Hallenbeck:

I am pleased to comment relative to your description of guide dogs from zoo, zoological parks and zoological gardens.

First, let me say that I have not read the proposed legislation nor have I had the opportunity to review the documentation of need for such legislation.

I would ask first if there have been instances where guide dogs have misbehaved in zoological gardens and, if so, what were the circumstances; i.e., were they released by their owner, or did they disobey commands?

If the proposed legislation is based on presumed hazards of misbehaving it would seem that we could ban people on the same basis that some will misbehave and consequently the bill is overkill in my estimation.

If the reason for the proposed legislation is because of exotic diseases, I would counter that people, wild birds and feral animals are considerably greater hazard than healthy well cared for guide dogs.

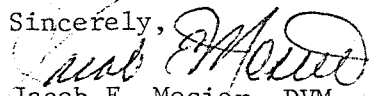
While one can imagine that a sick dog with an acute viral infection, such as parvo virus, could spread the virus to other canines in the park, one must also recognize that the virus is very long lived and if the park has had problems, then they are already seeded with the virus. People may carry it on their shoes and it may be that birds could carry the virus from one area to another.

I cannot support the argument that healthy well cared for guide dogs on regular vaccination programs constitute a real threat to the health of the animals within a zoological park.

In summary:

- A. The proposed legislation would seem to represent overkill and regressive legislation.
- B. The risk benefit assessments would not seem to support the need.
- C. Parks can develop their own guidelines and through public education accomplish their objectives without involvement of legislative edict.
- D. Before such legislation is passed, the committee should seek the opinion of the American Association of Zoo Veterinarians regarding the hazard.

Dr. Murray Fowler, College of Veterinary Medicine, University of California, Davis, California would be an excellent contact person.

Sincerely,  
  
Jacob E. Mosier, DVM  
Professor

BRADLEY VETERINARY HOSPITAL

935 EAST 23RD STREET  
LAWRENCE, KANSAS 66044  
913 843-9533



W. F. BRADLEY, D.V.M.

March 14, 1983

Senator Edward F. Reilly, Jr.  
Chairman, Federal and State Affairs Committee  
State Capital  
Topeka, Kansas 66612

Senator Reilly -

I wish to express my opposition to House Bill 2088 concerning the prohibiting of Guide Dogs' entrance into public areas of Zoos.

My experience of treating Guide Dogs of the Blind has been that the owners are very prompt and conscientious in having their animals well cared for both in treatment and preventive vaccines.

In my opinion there is no more evidence that the dogs could bring in disease than people can bring on their shoes or clothes. There is no contact between a dog and zoo animals nor is there with people and zoo animals, so any transmittal of disease must be by air or dust blowing into the non-public area and thus people as well as dogs could be the transmitting cause if there was an outbreak.

Every Guide Dog that I have ever seen or treated were well trained, well behaved, and never barked unless the owner told them to.

I definitely think to separate a person and his "eyes" is very traumatic and unnecessary.

Sincerely,

A handwritten signature in cursive script that reads "Bill Bradley".

W.F. Bradley, D.V.M.

WFB/ah



NATIONAL FEDERATION OF THE BLIND OF KANSAS, INC.

# 13  
Minutes of 3/23/83

## SPRING NEWSLETTER

TO ALL N.F.B.K. MEMBERS, BLIND  
KANSANS, AND FRIENDS:

### WHITE CANE LAW THREATENED:

Our White Cane law giving equal rights to the blind of Kansas was passed in 1969. For the past fourteen years our beautiful law has led a very peaceful life. On March 4th HB2088 was passed through the Kansas House of Representatives. If blind Kansans are not successful in killing this terrible bill, the protection now afforded to all blind kansans may be coming to an end. As our struggle to keep the White Cane law untarnished gains momentum, why we are the National Federation of the Blind and why we are organized is renewed in our minds. The following three articles written by Dr. Charles Hallenbeck of Lawrence will explain all the details.

### KANSAS LEGISLATURE THREATENS TO DESTROY WHITE CANE LAW:

Representative Sandy Duncan of Wichita introduced house bill 2088 into the Kansas legislature in January. If this bill were to become law, it would damage the White Cane law that now protects the rights of the blind. At the present time, the blind have the right to use all public accommodations, but HB2088 would establish an exception to that right. It would permit zoos, zoological gardens, and zoological parks, as long as they provide kennels for the dogs and sighted guides

for blind persons, to exclude dog guide users. The author of the bill argues that dog guides are not trained around zoo animals so are not controlable around them. Chuck Hallenbeck, whose dog guide, King, accompanies him when he teaches college classes; when he teaches seminars at the KU Medical Center; when he travels by air; and when he attends professional meetings at hotels and convention centers, says that King was not specially trained in any of these areas either, but performs superbly anyway.

Representative Duncan also argues that strange diseases may be carried by dog guides to zoo animals and diseases might be caught by the dog and spread to the community. So to avoid animal epidemics, it is necessary to keep dog guides away from zoo animals. We have talked to several veterinarians who laughed at this idea. One of them, a professor of veterinary medicine at K. State University says it makes more sense to him to keep the people out of the zoo, if it is diseases they are worried about.

Representative Duncan's bill would open the gates to even more widespread discrimination against the blind, since it would encourage other public accommodations to think up equally absurd reasons why the blind should be kept out of their areas, unless they have a sighted guide. The N.F.B. recognizes this threat for what it really is and will oppose it at every step as it goes through the legislative process.

ZOO-KEEPERS AND KEEPERS-OF-THE-BLIND WIN  
THE FIRST ROUND IN TOPEKA

On Friday March 4th the bill to exempt zoos from coverage under the White Cane law was passed by the Kansas House of Representa-

ives. It must now go through the Senate where we intend to stop it in its tracks.

Several interesting facts became clear at the session which approved the zoo bill. First of all, the N.F.B. position was not made available to the members of the legislature until immediately before the vote. Our letter to the representatives caused a very large number of them to change their votes from yes to no, and nearly turned the tide in our favor. We should be encouraged by that since a more timely effort in the Senate will have a more decisive outcome.

When the changing votes appeared to be headed toward a defeat for his bill, Representative Duncan discribed the N.F.B. as a local group in only one county of Kansas and said that the bill was supported by the Kansas Association for the Blind and Visually Impaired. He said it would be a shame if a local one county group could impose its will on the blind of the state.

How many of you knew that the N.F.B. is a one county outfit located somewhere in northeast Kansas? Representative Duncan's eyes will be opened if this trouble continues. The fact is, he knows who we are, but he has not yet learned, **WE WILL NEVER GO BACK!** His lie was effective and caused ten representatives to change their no vote to yes. Duncan won the first round by a vote of 70 to 51.

The bill now goes to the Senate Committee on Federal and State Affairs. The chairman is Edward Reilly from Leavenworth and the vice chairman is Bill Morris from Wichita. The members are: Norma Daniels, James Francisco, Richard Gannon, Jan Meyers, Nancy Parrish, Elwaine Pomeroy, Ed Roytz, Ben Vidricksen, and Wint Winter. We must all start our letters flowing to this committee.

WHY WE DON'T ALL GET TOGETHER:

The Kansas Association for the Blind Visually Impaired have gone on record in favor of the zoo bill sponsored by Representative Sandy Duncan which would undermine our rights as blind persons. They have done so in hopes of gaining Duncan's support in extending the White Cane law protection to grocery stores and eating places. Duncan promised them his support on that issue if supported his zoo bill, and they fell for it. It is clear what happens when an organization like K.A.B.V.I. lacks the leadership, the understanding, the experience, and the guiding philosophy which the organized blind share through the N.F.B. We have in the past disregarded K.A.B.V.I. as a more or less harmless group of blind folks and their families, a kind of friendly extension of the Kansas blind services, and we never fully appreciated what mischief and damage they could do if given half a chance. It is time in Kansas for us all to take a stand and speak out for the blind; for ourselves and for all the blind in Kansas. We need to make it clear that we are not just another association speaking for the blind, but that in Kansas, as elsewhere, we are the blind speaking for ourselves. We have a vision of the kind of lives we want to lead and we will do what we must in order to realize that vision. When blind folks lose that vision, they end up in K.A.B.V.I., and we all suffer for their betrayal and foolishness. How often have we been challenged by people who say to us, "Why don't you folks all get together and decide what it is you want?" The sad spectacle of K.A.B.V.I. joining forces with the zoo-keepers to destroy the White Cane law is reason enough that we don't get together.



together. We welcome them to join us when they regain their vision and decide to live like self-respecting blind folks, but we will never compromise and sell our rights in exchange for promises from untrustworthy politician, as they have done.

1984 March on Washington:

The N.F.B.K., the Johnson County chapter, and the Douglas County chapter assisted five of our members with their expenses for the annual March on Washington. Several of our Washington marchers would like to share their thoughts and feelings about the experience. For Dianne Hemphill of the South Central chapter and Loren Buntemeyer of Douglas county this was a new experience. Dianne had never flown before. First we will hear from Loren.

LOREN BUNTEMEYER'S TRIP:

When people ask how was your trip to Washington, I say fantastic. Not only was it a great learning experience, but it was filled with adventure and excitement. On January 27th I walked on the plane and followed the hostess to my seat. Sitting down, I pondered, what is it really like going to the March on Washington. Dick Edlund, our state president, had informed me we would be presenting bills and issues to our congressmen and senators which would improve rights and living standards of the blind. I responded to him that I did not know anything about the issues. He said he would let me listen and learn during our first appointment. He explained there would be a briefing session on Sunday night. With little knowledge of the bills in hand, I flew

on to Chicago where I had to change planes. When I was leaving the plane in Chicago word came from the flight attendant, "Wait right there, I will get you a wheelchair." After turning down three wheelchair offers between gates, I felt like I was a candidate for a wheelchair marithon. Excited about getting away from those obnoxiously helpful people in Chicago, I flew on to Washington National airport and took a taxi to the Holiday Inn in D. C.

After checking into my room, I was soon back downstairs mingling with the other members of the National Federation. There were about 300 of us representing 38 states. That meant a lot of people from different places with varried jobs and professions, as well as those without jobs. We were all there for one purpose which was to improve the lives of our nation's blind population.

Saturday and part of Sunday there was a public relations seminar. Sunday night starting at 5:00 there was a reading of the position papers we would be taking to give out during the next three days. Following the reading there was general discussion which lasted until about 10:00. There were five basic issues and you may study these in detail in an up coming Monitor.

Monday morning we made our appointments with our elected officials. Dick had made some arrangements ahead of time. Our members who attended were: Susie Stanzel, Dianne Hemphill, Alan Alcorn, Dick Edlund, and myself. Monday and Tuesday we marched through the large Senate and House buildings, up and down the halls, accross the halls, and up and down the stairways, finding the offices. Arriving at each office on time, we explained our position on each bill and answered any questions. We left our bundle

of information for the file. Each legislator wanted time to study our proposals because of their impact on the unemployment problem.

Tuesday afternoon all our members gathered for a meeting with Congresswoman Connelli on the floor of the House of Representatives. She explained the benefits of her bill. This was the first time for such an occasion.

We headed back to the hotel for a final meeting. We had lots of discussion about how successful we had been.

My feelings about the March on Washington are very positive. Not only was this an exciting first time experience for me to see the Capitol, the Senate buildings, and the House buildings, but it was a great positive experience visiting with well organized, independent, N.F.B. members who knew exactly what they wanted. Many people were expressing what they were going to do for the N.F.B, not what has the N.F.B. done for me. Next year, I hope more of us can go to the March on Washington. The greater the number, the more effective we can be.

DIANNE HEMPHILL'S TRIP:

The 1984 "March on Washington" was accomplished in the chilly but spring-like days of January. We were, indeed, fortunate to miss their big snow storm which followed just a week later. The weather did allow us quick mobility from one place to another and at times our schedule was at a running pace!

For those of you who have never been to a "March", I thought I would share an over-view of what went on and how our Federation work is accomplished during these annual "Marches". First, I want to

emphasize that great care is taken in pre-March planning. This must be a top priority in maintaining our effective use of the three days during which much work must be accomplished. Before, anyone has arrived, fact sheets are printed. These contain the important issues which we want to see specific legislation done on. This year, there are five areas all concerning employment for the blind, they are:

1. A bill to amend the Wagner O'Day act of 1938, which would have an impact on the job and business opportunities for the blind:
2. An amendment to the fair labor act of 1938, which would effect the minimum wage requirements for the blind:
3. Legislation to prohibit discrimination by employers on the basis of a handicap:
4. Legislation which would improve the disability insurance program: and
5. A reporting of the success of the J.O.B. program which is a U.S. Department of Labor, national program, so as to emphasize its merits and its need for future continuation.

With our target date of January 31st, for the great swarm on to Capitol Hill, a Sunday evening briefing was scheduled. Where the fact sheets were thoroughly gone over.

Monday morning we met and made our legislative appointments. First stop, Jim Slattery's office. He was quite interested and we informed him on our issues. He seemed quite interested in reviewing the Wagner O'day act.

In our visit with Dan Glickman, he continued to verbalize his full support concerning our legislative requests. All the others, with whom we visited, were all quite receptive and wanted to study our fact sheets.

Simply being able to visit with our elected representatives was a valuable experience in itself. It is fortunate, I felt, to be in the company of Dick Edlund, who is very effective in his articulate yet easy-going manner in speaking to our Kansas office holders.

Several extra events occurred while in Washington. Two very long and costly law suits were finalized in our favor. The first announced by Dr. Jernigan via telephone was the settlement of the California law suit. The second was the resolution of the Houston Lighthouse case allowing blind workers to have collective bargaining.

Two very important victories, three very busy days, and much learning comprised this year's "March" for me. I hope others will attend next year's "March". It has been a very interesting and clarifying experience to participate in such a meaningful and positive event. It was an experience which emphasized once more, "WE KNOW WHO WE ARE AND WE WILL NEVER GO BACK".

SUSIE STANZEL'S TRIP:

After what Dianne and Loren have already said, I only can express how this March on Washington was different from any previous Washington experience.

Each year we refine our process. This year, there were more new faces than ever before. I was more impressed than ever before with the degree of pre-planning which had been done before any of us had arrived.

When I went to my first convention in Chicago I had a tremendous thrill when Dr. Jernigan dropped the gavel to bring the convention to order. Everyone cheered. I heard other blind persons on every side and for the first time in my life felt that

I was truly not alone. The bringing to order of each subsequent convention is always a thrill. But, because I know what is going to happen I have never been so overcome as that first time. It is kind of like eating a new food.

On Monday night I felt an even greater thrill than my first convention. That occurred when Dr. Jernigan made the announcement via telephone that our seemingly never ending California battle was over. It is impossible to convey the feeling which flowed through the room. There was a spirit of complete unity among all Federationists.

For me it will never be duplicated. It was those few fleeting moments that made the March on Washington for me.

#### GREETINGS FROM THE PRESIDENT:

This is the most successful March on Washington to date. Attending this year's March were nearly 300 Federationists representing 38 states. All members of both houses were contacted and presented with our position papers on the five articles, (that we are pressing for this year), which deal with jobs and employment. During our March on Washington the California situation was successfully resolved and we were also informed of our win in the Houston Lighthouse matter.

We are presently involved with our state legislature in a number of areas dealing with Services to the Blind. Other reports in this newsletter have covered some specifics. I would urge that when you are contacted by your local president, to write letters or go to hearings in Topeka, that you would understand the urgency of these matters.

I would like to express my appreciation to Susie Stanzel from Johnson County, Dianne Hemphill from South Central, Alan Alcorn from K.U.W.B., and Loren Bunttemeyer from Douglas County for their great jobs during the March. As well as Dianne and Loren did, I certainly hope it won't be their last March.

We all owe thanks to our Lawrence folks, Tom Anderson, Chuck Hallenbeck, and Loren Bunttemeyer for their great effort and immediate response when they were needed in Topeka.

Additional information concerning legislation in Washington will be presented to you on Presidential releases and the Monitor. Again, be prepared to act with urgency when requested.

N.F.B. VISITS WITH K.S.S.V.H. STUDENTS:

One of the most important decisions made at our last board meeting was to start some dialogue with K.S.S.V.H. students. The first meeting was held on January 19th. To date Richard Edlund, Susie Stanzel, Chuck Hallenbeck, and Cindy Patterson have been involved. We have mostly been discussing employment. We will be asking many of you to participate. One of many benefits has been that a girl named Debby now uses an N.F.B. cane. We usually have about eight or nine students.

MISSOURI CONVENTION:

The Missouri convention will be held the weekend of March 25-27 in St. Joseph Ramada Inn, singles are \$27 and doubles are \$32. Jim Onvig will be the National representative. Gary Wunder has chosen not to seek a third term. Three hats have been thrown in the ring

so far. Roy Zuvers says the National convention will certainly be a big topic of discussion. The convention organizing chairman, Melvin Lewis, will be at the convention. Melvin has asked me to include a letter from him with this newsletter. If you want a reservation card, please contact Roy Zuvers at (826)-333-2173, 232 W. 82nd Terr. Kansas City, Mo. 64114. He also says that there will be at least one van going. If we have enough people and drivers, we can always get two. He needs to know if you want to ride the van. Call him for more details on the convention or transportation.

### COMMENTS:

We have in this newsletter noted HB2088 and what needs to be done. Many individuals may wonder why the alarm over such a simple little bill. The fact remains that HB2088 is an attempt to limit a blind person's freedom of mobility.

As in all freedoms one must be vigilant for there is always those who would take your freedom with the "best of intentions". We wonder for example if our "friends" in the restaurant industry might be next to ask for a "slight" change to the White Cane Law. The passage of HB2088 would surely lead to the existence of that possibility.

Which brings us to the question. At what point do you allow a freedom to be abridged? We of the National Federation of the Blind of Kansas believe that point is at the beginning.



Minutes of 3/23/83  
Attachment #4

Testimony of Robert L. Tabor, J.D.

RE: Senate Committee on Federal and State Affairs, Kansas State Senate

March 23, 1983

Subject: House Bill 2088

Mr. Chairman, and Committee Members:

My name is Robert L. Tabor. I am a guide dog user, and am a practicing attorney in the City of Topeka. I am a member of the American Council of the Blind, and its state affiliate, the Kansas Association of the Blind and Visually Impaired.

I am taking this opportunity at this time to express my opposition to House Bill 2088 as it is presently drafted. In that regard, I would like to clarify for the record that I understand the problems associated with the presence of dogs in zoos and/or zoological parks and zoological gardens, as long as mandatory provision is made for escort services and kennel facilities without extra charge, as the bill now provides.

Nonetheless, I am opposed to the passage of this bill unless it contains an amendment giving the express right of access to blind persons with guide dogs to grocery stores, eating places and restaurants. Such an amendment does not create any new obligations that are not already provided under present law. However, it would clarify these existing requirements and would be mutually beneficial for guide dog users, restaurant owners and/or managers, and employees of restaurants, eating places and grocery stores.

The present law requiring the right of access to these places by blind individuals and their helpmates are couched in such general language that many restaurant owners and managers and in particular, their employees, are unsure as to whether the guide dog's right of access is permissive or mandatory. The amendment which we propose here would, I believe remedy this confusion.

In closing, I would like to express much thanks and appreciation to this committee for entering my testimony in the record, and for giving consideration to this request, which we feel is of compelling significance.

TOPEKA ZOOLOGICAL PARK  
Testimony Regarding H.B. 2088  
Craig Dinsmore, General Curator  
March 1983

Two of the most important responsibilities that the modern Zoo must address are; 1) to provide an educational and recreational service to the visiting public, and 2) to protect and preserve some of the world's dwindling wildlife. These two ideas are closely linked, since a Zoo must have living animals if it is to be more than just a museum, and of course without the visiting public there is little reason to have a Zoo. H.B. 2088 offers an opportunity to pursue both of these responsibilities as they relate to the blind community.

Of particular concern to us is the potential effect that any large, unfamiliar animal (including guide-dogs) might have on the behavior of our Zoo animals. Dogs have been known to frighten antelope into running headlong into a fence, with fatal results. In our own Tropical Rain Forest exhibit, where most of the animals are loose, a dog's presence might predictably cause many valuable birds to fly directly into the building's plexiglass dome in their efforts to flee from this new "predator." For the most part, our Zoo animals are not tame; they retain most if not all of their natural instincts and behaviors. For some of them it is natural to flee from any such large animal that comes near. On the other hand, some of our Zoo animals may try to attack the dog. Who can say what a dog, not knowing the attacking animal is confined, might do in such a situation. If startled or frightened it may run, potentially injuring its owner. In short, then, even the best trained seeing-eye dog might be subject to erratic behavior in the presence of our Zoo animals, or it may cause such behavior merely by its presence.

Another concern we have is the potential for disease transmission to or from the seeing-eye dog. We still have a great deal to learn about diseases in exotic animals and how they are transmitted. The dog might contract a disease from one of our animals, or, conversely, it might transmit a disease to our Zoo animals. Admittedly, this risk is slight, but it could have far-reaching effects if it occurred. As a rule, we know that owners of seeing-eye dogs are very conscientious about their animals' health, shots, etc. However, it is the "unknown factors" that are cause for concern, and a policy of caution would be the safest course to pursue.

As an alternative to allowing seeing-eye dogs on the Zoo grounds, the Topeka Zoo and the others offer the blind Zoo visitor a personal guided tour with a trained individual. In addition to limiting the risk factors mentioned above, we believe that this service can enhance the visitor's Zoo experience substantially. Descriptions, information, and interpretations about the Zoo and its animals that might otherwise be missed are thereby made available to the visitor.

We strongly recommend the passage of H.B. 2088, for we believe it will help us to provide an important service to the blind community, while still ensuring the protection of the rare and valuable animals in our Zoo collection.

*Minutes of 3/23/83  
Attachment #6*

STATE OF KANSAS



TOPEKA

HOUSE OF  
REPRESENTATIVES

REPRESENTATIVE FIRST DISTRICT  
CHEROKEE COUNTY  
RR NO. 1  
BAXTER SPRINGS, KS 66713

FRED L. WEAVER  
MINORITY LEADER  
ROOM 327-S, CAPITOL BLDG  
TOPEKA, KS 66612  
(913) 296-7651

TESTIMONY ON HB 2088 BEFORE THE SENATE FEDERAL AND STATE  
AFFAIRS COMMITTEE

I'm here to oppose this bill today because I feel the view of those who opposed the bill were not adequately represented in the legislative process in the House. Many members of the National Federation of the Blind, who strongly oppose this bill, were in Washington when committee hearings were held in the House. It was not until the time the bill was being considered on the floor that we learned of their strong opposition. Since that time, I have received a great deal of correspondence from many concerned individuals who will be affected by this law. I feel they have valid grounds for opposing the measure, some of which I wish to briefly convey to members of the committee.

The foremost objection to the requirement of having another person guide a blind person in a zoo is that it takes away the blind persons sense of independence. Blind people work very hard to overcome their physical handicap, and most function very admirably as independent persons. This bill would only perpetuate the old misconceptions regarding the inability, helplessness, dependency and second class status of blind people. Many blind people do not see the fact that they are unable to see as their handicap, rather, they view

others attitudes as to what they can and cannot do as their true handicap.

A number of other problems exist with the bill. The bill seems to single out a specific group, blind people who use guide dogs, for discrimination. I am no lawyer, but it only takes a little common sense to see that we could have a constitutional problem with this type of discrimination. At the least, it is contrary to the spirit of equality we all adhere to.

There is also the problem that this bill may set a very dangerous precedent for discrimination against blind persons. Other industries or institutions may see the implementation of this law as a green light for their own specific qualms about dealing with the blind. The discrimination may not stop with blind people, but spread to include many classes of handicapped people. Whenever some reason can be fabricated to exclude the handicapped, passage of this bill seems to say, "we'll make a special rule for you too." This will all lead to preventing handicapped people from functioning as best they can in everyday life.

Finally, I am not convinced this exclusion of guide dogs from zoo's serves any real purpose. Guide dogs are specially trained animals. They perform very nicely and are more well behaved than small children. I do not agree that they would pose a problem in a zoo or park with other animals.

In addition, guide dogs are very valuable to their owners. As a result they are well groomed and cared for. A guide dog is the eyes of a blind person, and they are cared for as such. They are well cared for and are not a health threat.

The complaints about guide dogs in zoo's remind me of the "white cane regulations" that airlines sought to enforce several years ago. The airlines did not want to stow a blind persons long white cane because they claimed they would interfere with a planes emergency exits. Through litigation, the airlines claims were proven groundless. I think the situation is the same here.

In closing, I would like to reinterate what I said at the beginning of my statement. We have a group of courageous and determined people making a simple request of us. "Let us take care of ourselves." There is no feeling of dignity more fundamental than that of individual independence. We should not deny the blind this feeling of dignity. Thank you for this opportunity to express my views. I urge you to defeat HB 2088. At this time it would seem that the more appropriate thing to do would be to simply allow the blind organizations and the administrators of zoo's with a reported problem to work out this issue without interference from this legislature. There are some things you just can't fix and there are some things that the legislature should not try to fix.

Douglas County Chapter  
National Federation of the Blind of Kansas

March 10, 1983

Members of the Kansas Senate  
State Capitol  
Topeka, Kansas 66612

*Minutes of 3/23/83  
Attachment #7*

Dear Senator:

We of the National Federation of the Blind of Kansas are deeply concerned about, and opposed to, House Bill 2088.

As you know, this bill would amend KSA39-1102, the White Cane Law, by exempting zoos, zoological gardens, and zoological parks from its coverage. If the zoo, zoological garden, or zoological park provides kennels for guide dogs and guides for blind persons, the proposed amendment would permit them to deny equal access to blind persons who are dog guide users.

Unfortunately, when this bill was brought before the Federal and State Affairs Committee of the House on January 31, we were unable to be present, since many of us were in Washington, D.C., talking with our Congressmen about national issues of concern to us.

Our opposition to the proposed amendment was misrepresented on the floor of the House of Representatives as reflecting the views of a handful of local persons in one county of Kansas. Nothing can be further from the truth. On this issue, the National Federation of the Blind is united and speaks with a single voice, including national, state, and local levels of the organization. We deeply regret the willingness of another group of blind persons in Kansas to lend its name in support of this amendment. We believe them to be mistaken and this legislation to be unnecessary, excessively restrictive, and damaging to an important piece of civil rights legislation essential to blind citizens of this state.

We of the National Federation of the Blind believe that when blind persons are given proper training and equal opportunity, blindness is essentially no more than a physical nuisance. Since blind persons are normal individuals who happen not to see, the true handicap of blindness is what people think they can or cannot do as a result of being blind.

From a philosophical standpoint, this bill perpetuates age-old misconceptions regarding the inability, helplessness, dependency, and the second-class status of all blind persons by not allowing them to have access to the zoo, zoological garden, or zoological park on the same terms and conditions as the general public.

Since this bill unreasonably and detrimentally classifies blind people in general and singles out dog guide users in particular, we believe it would permit and initiate discriminatory behavior.

The bill sets a bad precedent by permitting the "stowage" of dog guides by zoo and zoological officials. In recent years, the blind have had problems with airlines attempting to "stow" long white canes, alleging that such canes would seriously damage emergency exits. Through litigation, it was determined that these complaints by airlines were spurious and groundless. House Bill 2088 might encourage airline officials to revive such issues.

In these days of economic hardship, the expense of a kennel and a guide would be a woeful waste of resources. At the same time, their use would be harmful to the persons they were designed to serve.

Since dog guides are well disciplined, their presence should create no problems to animals housed in zoos. It is the responsibility of dog guide users to maintain the discipline of their dog guides.

We would appreciate your effort to see that this bill is not passed.

Thank you for your attention to this matter.

Cordially,

*Tom Anderson*

Tom Anderson, Second Vice President  
National Federation of the Blind of Kansas  
President,  
Douglas County Chapter

# Kansas Association for the Blind and Visually Impaired, Inc.

#8

March 23, 1983

To: Senate Assessment and Taxation

From: Legislative Committee, Mary Adams, Chairperson  
Susan Tabor, Member  
Michael Byington, Lobby  
William Lewis, Advisor  
Ardonna Pohl, Advisor  
Sam Wilson, Advisor

Re: HB2088

We understand the concern of the zoo operators which prompted them to encourage the introduction of HB2088. Some animals on display in zoos are natural enemies of dogs. With the current trend to bring zoo animals and spectators closer together, we see the potential danger. We feel the potential is small, but we understand.

Our only concern with HB2088 is that it might open the door for further access restrictions to dog guides which we would in no way be able to support. We feel the potential for this is also small as the bill provides that in order to not admit a dog guide the zoo in question must provide both sighted guide services for the blind person as well as kennel facilities for the dog. Nonetheless, the potential for further restrictions exists and we can thus not support the bill in its present form. We feel that if legislation is to be passed which states specifically where dog guides can not go, that same legislation should also make it even more clear where they can go by strengthening the appropriate language in the current act. We are thus expressing our support for an amendment to HB2088 which will do exactly this. With this amendment added, we can support the bill.

The current law related to dog guide access in Kansas states that dog guides can be admitted to places to which the public is invited. It gives examples of such places, but these examples do not include eating establishments and grocery stores. The proposed amendment simply adds these places to the list of examples.

We have been asked by a number of Legislators to explain why this addition is needed. We grant that by inference, eating establishments and grocery stores are covered under the current law. Indeed a court test has proven this in the case of eating establishments, and the Kansas Food and Lodging Board Regulations state the dog guides are allowed in the dining areas of eating establishments. While almost all owners and/or managers of eating establishments and grocery stores in Kansas have proven most cooperative with dog guide users, many employees of these businesses are not aware of the above information. They know only that normally, dogs are not allowed. This lack of accurate knowledge has caused confusion at the entrance of many an establishment. Such confusion is compounded by the fact that the dog guide user ~~can enter~~ <sup>Post Office Box 292</sup> show no law which specifically states that their dog guide can enter <sup>Topeka, Kansas 66601</sup>

Atch. 8

the particular type of establishment in question. An addition of just six words can make this information more visible. We ask that these words be added.

We believe that your attention to this matter can bring positive public relations both for eating establishment and grocery store operators as well as the civil rights of blind persons. We thank you for your time and consideration.



**GUIDE DOGS**



**FOR THE BLIND, INC.**

San Rafael, California

This is to certify that, as of 4-19-80  
MRS. ANN BYINGTON  
and HER Guide Dog "LOYD" GOLD ROM  
are graduates of this School and are entitled to all privi-  
leges extended to Guide Dog users

*Benny Larsen*  
Benny Larsen  
Executive Director

(Graduate and dog pictured  
on reverse side)

*Minutes of 3/23/83  
Attachment # 9*



Not Transferable

March 23, 1983

To: The Kansas Senate

From: Ann Byington

Re: HB2088

I have used a Guide Dog for the past twelve years. Both sides of my Guide Dog identification card are copied above. This includes a picture of my present Guide Dog, Lloyd.

I am writing in support of the amendment to HB 2088 as proposed through the lobby of the Kansas Association for the Blind and Visually Impaired Inc.

Approximately 38 other states refer specifically to food related establishments in their laws concerning access to dog guides. I feel Kansas should join this group.

The current White Cane Law in Kansas offers access to all places to which the public is invited, but does not specifically mention eating establishments and/or grocery stores as it does a number of other examples of public places. Most eating establishment and grocery store operators are aware that their businesses are included by inference, and there is seldom any problem. In a few rare situations, however, the vagueness of the current wording has caused confusion. Passage of HB2088 with the proposed amendment included would clear up this possible confusion once and for all to the mutual benefit of dog guide users and business persons.

Dog guide users from accredited schools all carry identification similar to that shown above. If the operator of an eating establishment questions the validity of a claim that a dog is actually trained in a way covering it under the White Cane Law and Kansas Food and Lodging Board regulations, certainly appropriate identification may be requested and made available.

In view of these facts, your favorable report on the amended version of HB2088 will be greatly appreciated.