

Approved

Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Senator Fred Kerr at _____
Chairperson

10:00 a.m. ~~pm~~ on Friday, March 16, 1984, 19__ in room 423-S of the Capitol.

All members were present ~~except~~

Committee staff present: Raney Gilliland, Research Department
 Arden Ensley, Revisor

Conferees appearing before the committee:

Mike Byington, Kansas Association of Blind & Visually Impaired
Pamela Rusk, Guide Dog User

Senator Warren moved the March 15, 1984 minutes be approved, seconded by Senator Arasmith. Motion carried.

Senator Kerr inquired if the committee desired to introduce a resolution commemorating Agriculture Day. Senator Reilly moved such a resolution be offered, seconded by Senator Montgomery. Motion carried. The resolution will include, in part, "Be it resolved by the Senate of the state of Kansas, that we join with the Governor of the state of Kansas in proclaiming March 20, 1984 'Agriculture Day'."

SENATE BILL 748 - Senator Kerr called on Mike Byington who had requested the introduction of this bill. Mr. Byington distributed Attachments 1, 2 and 3, including background information. He stated the bill does not change the function of the law but is a clarification to add to the laundry list specific wording that it is all right to enter restaurants and grocery stores with a seeing eye dog. Such language has already been adopted in 38 other states and Washington, D. C. Attachment 2 is a compilation from the 1,500 respondents to a questionnaire sent out to 4,000. Out of 30 issues, permitting guide dogs in public buildings (e.g., restaurants, theaters, grocery stores) was a high priority item. Mr. Byington stated such a request had been heretofore attached to another bill which had trouble so they were requesting a separate bill. In answer to an inquiry, Mr. Byington stated the current law makes a blind person responsible for any damage a seeing dog might incur. He stated across the country there are seven schools training guide dogs for the blind. Such dogs are bred to have easy temperament and are docile animals. Answering Senator Norvell's inquiry, Mr. Byington said the bill was introduced for clarification purposes only and he does not know of anyone opposed to the bill.

Pamela Rusk read her Braille testimony (Attachment 3). She has had her golden retriever for almost one year; the dog had five months of extensive training and one month with her. It was estimated the cost of such a dog from birth would be around \$7,000, but the blind recipient is responsible only for getting to the location for the training.

Senator Allen moved Senate Bill 748 be reported favorably, seconded by Senators Warren and Norvell. Motion carried. Mr. Byington stated the Kansas Restaurant Association cooperates fully with his organization. In further discussion, it was pointed out a seeing dog can be used for some 11 years, with a ten year average. German shepherds, black labs, yellow labs and golden retrievers are used, with a few boxers and dalmations in warmer climates.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 10:00 a.m./~~a.m.~~ pm. on Friday, March 16, 1984, 19

HOUSE BILL 2652 - In the absence of Revisor Jim Wilson, Revisor Arden Ensley distributed the balloon draft of the requested amendment as contained in Attachment 4. Senator Karr moved the proposed amendment be adopted, seconded by Senator Allen. Motion carried.

Answering Senator Thiessen's inquiry, Revisor Ensley stated the state would get the first \$50,000 upon the sale of such building.

There was some discussion relative to a terminology other than "incubator", but Revisor Ensley pointed out the states with such a law used this term.

After further discussion, Senator Allen moved House Bill 2652 be reported favorably as amended, seconded by Senator Karr. Motion carried.

The meeting was adjourned.

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SENATE

AGRICULTURE AND SMALL BUSINESS COMMITTEE

10:00 a.m., Room 423-S

Friday, March 16, 1984

Date

NAME

ADDRESS

ORGANIZATION

NAME	ADDRESS	ORGANIZATION
R. Schutz	Topeka	SRS
Ram Rusk	Topeka	Guide Dog user
Ernie Rusk	Topeka	Guide Dog
Tom Byington	Topeka	Guide Dog user
Loy A. Byington	Topeka	Guide Dog
Michael Byington	Topeka	30. assem. for blind and visually impaired

Kansas Association for the Blind and Visually Impaired, Inc.

TO: Senate Agriculture and Small Business Committee

FROM: Legislative Committee:
Mary Adams, Chair
Michael J. Byington, Registered Lobbyist
Robert L. Tabor, Member and guide dog user

SUBJECT: Senate Bill 748

BACKGROUND: K.S.A. 39-1102 gives blind persons the right to be accompanied by a guide dog, especially trained for the purpose, in or upon any of the places listed in K.S.A. 39-1101 without being required to pay an extra charge for the guide dog provided that such blind person shall be liable to any damage done to the premises or facilities by such dog. The places listed in K.S.A. 39-1101 are: (1) all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other conveyances of public transportation; (2) hotels, lodging places, places of public accommodation, amusement, or resort; and (3) other places to which the public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

NEED FOR LEGISLATIVE CHANGE: The above "laundry list" implies that eating establishments and food sales establishments would be included, but does not specifically state such. In fact, these establishments are included as has been affirmed by Kansas Department of Health and Environment regulations and a court test. The problem is, however, that some eating establishment and food sales establishment employees do not realize that guide dogs may be admitted. They assume that guide dogs are considered as subject to the conditions of law applicable alike to all persons which state that dogs may not enter eating establishments or food sales establishments. Confusion and delay becomes the result. The fact that the guide dog has the right to admission thus needs to become more visible within the body of Kansas law. K.S.A. 39-1101 and 1102 are the appropriate sections of law to be amended as most guide dog users carry copies of these statutes in order to answer questions of access which may arise. Senate Bill 748 thus has the purpose of adding reference to eating establishments and food sales establishments to the "laundry list" in K.S.A. 39-1101. The bill does not actually change function of law; it only clarifies it. Washington, D.C. and 38 states have already made the change being requested here. Please promptly report this bill favorably so it may become law this session. Thank you.

Atch. 1

SPECIAL REPORT: PRELIMINARY RESULTS FROM THE
"DISABLED KANSANS' CONCERNS INDEX"

In September and October of 1983, the Kansas Advisory Committee on Employment of the Handicapped (KACEH) coordinated the distribution of approximately 12,000 survey questionnaires addressing thirty issue areas of concern to disabled individuals. It is estimated that approximately 10,000 disabled people received at least one questionnaire. The return of nearly 1,400 was remarkable, since no return envelope nor postage was provided. Based on this 14% return, the preliminary results of the survey indicate priorities to be:

Priority Rank	Issue	Imp.* Rating	Sat.** Rating	Priority Base
01	Public buildings are accessible to disabled consumers.	86%	33%	53
02	Affordable transportation services are available as needed.	86%	42%	44
03	Affordable housing is available to all types of disabled residents.	85%	41%	44
04	Qualified disabled and nondisabled persons are given the same opportunity at any available job.	84%	40%	44
05	Adequate employment opportunities are available to disabled persons.	86%	43%	43
06	Handicapped parking ordinances are strictly enforced.	89%	50%	39
07	Guide dogs are permitted in public buildings (e.g., restaurants, theaters, grocery stores).	88%	49%	39
08	Health care for disabled persons is available through public and private insurance.	84%	45%	39
09	Adequate services are available to permit independent living.	90%	52%	38

Priority Rank	Issue	Imp.* Rating	Sat.** Rating	Priority Base
10	Local agencies assist disabled persons in finding jobs.	83%	35%	45
11	Financial assistance in hiring personal care assistants is available.	88%	51%	37
12	Assistance (e.g., recreation, PCA, rides) is available from friends and neighbors.	87%	50%	37
13	Public services are provided on an equal basis to disabled and non-disabled persons.	87%	51%	36
14	Disability categories (i.e., visual, hearing, speech, physical, mental) used by the state civil service system are adequate.	86%	50%	36
15	Employment agencies and prospective employers focus on the strengths and abilities, rather than the deficiencies and disabilities of a disabled applicant.	84%	48%	36
16	Determination of eligibility for services (e.g., SSI, SSDI, General Assistance, Vocational Rehabilitation) is fair and reasonable.	85%	50%	35
17	Qualified interpreters are available to deaf persons to permit use of public services.	83%	48%	35
18	Qualified disabled employees are not laid off due to their disability.	80%	45%	35
19	Disabled persons applying for state civil service jobs are given reasonable accommodation.	86%	52%	34
20	Utility bills are affordable.	85%	51%	34%

Priority Rank	Issue	Imp.* Rating	Sat.** Rating	Priority Base
21	Financial assistance is available to adapt personal transportation.	91%	58%	33
22	State of Kansas government is responsive to the needs of persons with disabilities.	83%	50%	33
23	The media portray disabled persons in a realistic and positive way.	81%	48%	33
24	Available counseling services are accessible and helpful to disabled consumers.	78%	45%	33
25	Financial assistance is available to help purchase an assistive device (e.g., wheelchairs, hearing aids, artificial limbs).	77%	44%	33
26	Performance of disabled employees is evaluated on the same basis as non-disabled employees.	84%	53%	31
27	Social agencies treat disabled persons with dignity and respect.	84%	56%	28
28	Adequate job training programs are available to disabled persons.	89%	66%	23
29	Families accept all members equally, regardless of disability.	77%	56%	21
30	Help is available for solving problems with landlords, employers, utility companies, etc.	81%	61%	20

These results are only preliminary and may change after the data have been verified. Verification is expected to be completed by the end of January, 1984.

However, the top priority, access to public buildings, is substantially ahead of the second-ranked priority. Therefore, KACEH will proceed with efforts to address this issue, as it is not expected to be affected by the verification of data.

The issue of public access was discussed at the KACEH conference, "Issues & Images", in Hays on November 6.

The issue was also the subject of a special meeting of representatives from disability organizations on November 17, 1983.

Based on these discussions, KACEH anticipates taking the following actions:

1. Hold three additional public meetings to gather more information on remedying the issue.
2. Publicize the state accessibility law to county and city officials responsible for enforcement.
3. Publicize the accessibility law to interested groups.
4. Produce a handbook on initiating legal action against inaccessible construction in progress.
5. Seek an executive order from the governor which would mandate all public meetings by state agencies in the executive branch to be held in accessible sites.
6. Continue to pursue amendments to the Kansas Act Against Discrimination which would permit physically and mentally disabled persons to rent or buy private residences.

**ATTACHMENT 3
IS IN BRAILLE.
DID NOT SCAN.**

ATTACHMENT 4, 3/16/84

0083 ment.

0084 (2) After an incubator facility has been in operation for six
0085 years, the local government may sell the facility or any part
0086 thereof to a small business concern which is currently using all
0087 or part of the space and support services of the facility. The local
0088 government shall use the proceeds from the sale under this
0089 paragraph (2) of all or part of an incubator facility for economic
0090 development within the locality of the local government.

0091 (g) Notwithstanding any other provision of law, the state and
0092 the local government shall not be liable for any act or failure to
0093 act of any organization granted funds pursuant to this act, or any
0094 small business concern benefiting from the incubator facilities
0095 program.

0096 Sec. 2. This act shall take effect and be in force from and
0097 after its publication in the statute book.

If a local government sells an incubator facility under this paragraph (2), the selling price shall be a reasonable amount. The local government shall repay to the state from the proceeds of the sale the amount equal to the amount of the grant made under subsection (c) to establish the facility or the selling price, whichever is less. If only part of an incubator facility is being sold under this paragraph (2), the repayment to the state shall be a proportionally reduced amount with regard to the value of the entire facility at the time of the sale as determined by the secretary of economic development.

remainder of the

Attch. 4