

Approved 3/24/86
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. ~~xxx~~ on March 18, 1986 in room 254-E of the Capitol.

All members were present except:

Senator Walker was excused.

Committee staff present:

J. Russell Mills, Legislative Research
Mary Torrence, Assistant Revisor of Statutes
June Windscheffel, Secretary to the Committee

Conferees appearing before the committee:

Mr. John Hoffer, John Hoffer Chrysler Plymouth, Topeka
Mr. Jim Sullins, Executive Vice President, Kansas Motor Car Dealers Association
Mr. Larry Heilman, President, Smith Audio Visual, Inc.
Mr. Dan Morgan, Associated General Contractors
Mr. Nicholas Roach, Director of Purchases, Department of Administration
Mr. Robert E. Schumaker, Vice President, Kansas Peace Officers Association
Mr. Thomas Kelly, Director, Kansas Bureau of Investigation
Dr. Richard A. Schutz, Director, Services for the Blind, Social and Rehabilitation
Services
Michael J. Byington, Kansas Association for the Blind and Visually Impaired, Inc.
Harold Shoaf, Landlords of Kansas
Ms. Karen McClain, Kansas Association of Realtors
Ms. Janet Stubbs, Home Builders Association of Kansas

Senate Bill 612 - concerning procurement procedures for state and local governments, preference for Kansas bidders.

The Chairman asked the Committee to turn its attention to Senate Bill 612. The first conferee was a proponent, Mr. John Hoffer, of John Hoffer Chrysler Plymouth. A copy of his statement was distributed to the Committee. (Attachment #1)

Mr. Hoffer explained a situation which occurred recently when he made a bid on the purchase of 72 Highway Patrol cars for the state of Kansas. He said it made him realize that the bid system ought to be more supportive of Kansas commerce and industry.

The next proponent was Mr. Jim Sullins, Executive Vice President of the Kansas Motor Car Dealers Association. Mr. Sullins written statement was also handed out to the Committee. (Attachment #2) He also referred to the incident that caused concern among Kansas franchised dealers in which an out-of-state dealer was awarded a bid for vehicles for the Highway Patrol. He explains, also, what happened in that incident in his statement.

The Chairman introduced Mr. Larry Heilman, President, Smith Audio Visual, Inc., as the next proponent. His statement was distributed to the Committee. (Attachment #3) He pointed out that in most cases Kansas state agencies request information concerning communications electronics from their firm, that much of the information is highly technical and a great amount of time can be spent on giving the correct information; however, once the information is given anyone can bid on it. In previous years the video and audio tape contracts have gone out-of-state for just being a few cents lower. His firm supports SB612 and any changes to help Kansas firms.

An opponent to SB612 was in the person of Mr. Dan Morgan, a representative of the Associated General Contractors of Kansas. His statement is part of these Minutes. (Attachment #4) Their industry is very much opposed to preferential bidding laws. They base this on the fundamental proposition

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m. ~~pm~~ on March 18, 1986

that the open and competitive free enterprise system ought to be preserved. He said that federal, state and local preference laws discriminate against bona fide contractors domiciled outside the political subdivisions which impose preference for their local bidders.

Mr. Morgan also stated that the preference laws in their industry also fence in the local contractor, because of retaliatory preference laws in neighboring states.

Mr. Nicholas B. Roach, Director of Purchases, was the next conferee. Mr. Roach distributed copies of his testimony to the Committee. (Attachment #5) Mr. Roach spoke in opposition to the bill. He said it encourages the Kansas bidder to bid higher and discourages the non-Kansas bidder from being competitive. He said that if the bill were passed that ultimately state agencies will pay more, need larger budgets and spend more than would be necessary.

He said that although he does not believe in preference laws he also does have some compassion for this legislation.

The Chairman thanked all the conferees for appearing.

SB718 - concerning terminals for use as part of statewide civil defense communications network

The Chairman introduced Mr. Robert E. Schumaker, Vice President, Kansas Peace Officers Association, the first proponent for SB718. Mr. Schumaker's statement was distributed to the Committee. (Attachment #6) It states that at the present time there are numerous law enforcement officers working in this state who are not able to receive emergency broadcasts on wanted persons or felons who are known to be in the immediate area, because their agencies are prevented from installing a terminal which would give them access to the National Crime Information Center files.

Director Thomas Kelly of the Kansas Bureau of Investigation was the next proponent of SB718. Director Kelly said that basically they act as a clearing house and as a management system. They do favor the enactment of this legislation.

The Chairman thanked the conferees for their appearances.

SB292 - concerning rights of blind, visually handicapped and physically disabled persons

The Chairman welcomed Dr. Richard A. Schutz, Director, Services for the Blind, Social and Rehabilitation Services. Dr. Schutz said he appears in support of SB292 which prohibits discrimination blind and visually and physically disabled persons in the rental or sale of housing. His statement was distributed to the Committee. (Attachment #7) It states that state law does not prohibit discrimination against these persons in rental or sale of housing, which prohibits some from participating fully in the social and economic life of the State and from engaging in remunerative employment. He cited the example of discrimination that can occur in the refusal to sell or rent housing to blind persons who use guide dogs.

Mr. Michael Byington, Kansas Association for the Blind and Visually Impaired, Inc., was the next proponent of SB292. Mr. Byington's statement is part of these Minutes. (Attachment #8) Mr. Byington stated that the principal purpose of this bill is to assure that blind persons who use properly trained dog guides will be able to rent or buy housing without experiencing discrimination or confusion because the potential landlord considers the animal a pet and thus does not wish to rent or sell, or wants to charge a pet deposit. He said that dog guides for the blind are not pets. They are trained mobility tools.

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Mr. Harold Shoaf, representing the Landlords of Kansas, was the next conferee. He appeared as an opponent of SB292. He said they had not heard of any problem where landlords had refused to rent to persons mentioned. He said also that the bill goes beyond the individual with the animal. He said they will rent to the fine lady who "is sitting here with the dog."

Ms. Karen McClain, of the Kansas Association of Realtors, was the next conferee. She said they will go out of their way to accommodate the disabled, but there is a problem in opening up where it says the persons who are otherwise physically disabled. Ms. McClain said there is a code in dealing with the handicapped in housing and it will have to be looked at as to how it interacts with the legislation. The code goes a little broader than what the bill is attempting to address. She said they have no problem for the visually handicapped but there are some ramifications which speak a little broader than perhaps was the intent.

Ms. Janet Stubbs of the Home Builders Association of Kansas, appeared next before the Committee. She said she would like to add to what Ms. McClain said that there is legislation going through the process now in HB2659 and HB2660 dealing with accessibility to the handicapped as it relates to rental units. She said they have a concern in line 24 of the bill: "otherwise physically disabled."

The Chairman thanked all the conferees for appearing before the Committee.

Senator Arasmith moved that the Minutes of March 6 and March 13, 1986, be approved. Motion carried.

3/18/86
Attachment #1
John Hoffer
Proponent

JOHN HOFFER

Your Moneysworth Dealer

CHRYSLER ★ PLYMOUTH

To Members of the Kansas Legislature:

My name is John Hoffer and I'm an automobile dealer from Topeka. I am here today to address you in support of Senate Bill 612.

Until now I have never been involved in any legislative process. However, a situation occurred recently when I made a bid on the purchase of 72 Highway Patrol cars for the state of Kansas which made me realize that the bid system ought to be changed in order to be more supportive of Kansas commerce and industry.

During the current administration it appeared that one of the main tenants was to promote Kansas, exemplified by the governor's trips overseas for finding markets for our farm products and for trying to bring new industry to the state. It would seem then that this philosophy should extend to all areas of Kansas commerce and in general to put Kansas and Kansans first. This is apparently not the case however with the bid system currently as it is with the state purchasing department.

In the case in which I was involved, the bid for 72 new Highway Patrol cars was awarded to a Missouri dealer. This was a very competitive bid and seven Kansas dealers participated. The total amount involved in the bid was \$811,048 and the Missouri dealer won it by less than 1%. I realize that responsible government must purchase its vehicles from the lowest bidder, but when an out of state dealer is involved, is Kansas really saving money? Let's look at the facts. Kansas dealers must apply a Kansas tax stamp on every title of each car sold where out of state dealers do not, giving the out of state dealer an \$11 per unit bid advantage which totalled \$836. This money would have been returned back to the state as revenue had a Kansas dealer won the bid. Also the Missouri cars would have better than 100 miles on them when they arrived here. If they had to be returned to the original dealer for repair work there would be more additional miles put on them that might not have been incurred if a Kansas dealer had gotten the bid.

The state is also losing revenue because a Kansas dealer would have had to pay Kansas income tax on any profit made on the bid. In addition, employees of the dealership who would have been involved in the delivery of the cars would have earned money and consequently paid Kansas income tax for their work.

Although I came in second on the bid I would have much rather seen a Kansas dealer win it. When you take everything into account, the state probably lost money in the whole affair, as well as alienating Kansas people and companies. I have been informed by other Kansas companies that they have also lost bids to out of state companies. This made me realize that something must be done with the bid system on purchases. Let's give Kansas people and Kansas companies priority and at the same time keep Kansas money in Kansas.

Senate Bill 612 seems to me to be a step in the right direction and I hope that you will join me in supporting it. I thank you for your time.

Sen. Fed. & State Affairs
3/18/86 Attachment 1

Statement before the
SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
Tuesday, March 18, 1986
by the
KANSAS MOTOR CAR DEALERS ASSOCIATION

3/18/86
Attachment #2
Propouent

RE: SENATE BILL 612

Mr. Chairman and Members of the Committee. I am Jim Sullins, Executive Vice President of the 392 member Kansas Motor Car Dealers Association, the state trade association representing the franchised new car and new truck dealers in Kansas. I come before you this morning in support of SB 612.

The franchised new car and truck dealers of Kansas have been selling vehicles to the state of Kansas through the bid process for many years. Overall, the system has been very fair and has been good for both the state and the dealers.

However, this past fall, a situation occurred that caused a great deal of concern among the franchised dealers; i.e., an out-of-state dealer was awarded a bid for vehicles being purchased by the Highway Patrol. It was not necessarily the fact that an out-of-state bidder won the contract, but the minimal amount of money separating the low bidder from the second lowest bidder who was a Kansas dealer, as were the other seven bidders.

Specifically, the bid was for 72 Highway Patrol cars. The lowest bidder received the contract for \$811,048 or \$11,264.56 per car. The second lowest bid was for \$817,411 or \$11,352.93 per car, a difference of \$6,362 or \$88.36 per car. For \$88 per car, the state of Kansas contributed \$811,000 to the economy of Missouri.

While we strongly agree that the state should take competitive bids on purchases, and that the low bid concept is fiscally very responsible, we think there is something wrong with the system when for a relatively small amount of money, hundreds of thousands, or even millions of Kansas taxpayer's dollars end up in another state's coffers.

If a Kansas bidder would have been awarded the contract, the state of Kansas would have received corporate income tax on those dollars. Personal income tax would have been generated through employee salaries paid by the bid money. Sales tax revenue would have been generated by those dollars spent by the dealer to purchase equipment and supplies for the dealership. While I can't isolate specific figures, we are very sure that this tax income would considerably reduce the difference in the price between the two bids.

Additionally, Kansas dealers are required to affix an inventory tax stamp to each title when that vehicle is sold at retail. The tax stamp is the dealer's way of paying his ad valorem property tax to his county. In this case, \$11 of the \$88 per vehicle was the inventory tax stamp. Quick calculation will show that Shawnee County lost \$792 in property tax due to the bid going to the out-of-state dealer.

SB 612 adequately addresses what we see as the problem. Under the provisions of the bill, if the lowest bidder was from out-of-state and the second lowest bidder was from in-state, the second lowest bidder would have the opportunity to meet the low bid within 72 hours. As we see it, this is a win-win situation.

The state wins because no matter which bidder eventually gets the bid, the state still pays the lowest price. And, the second lowest bidder wins because he has the opportunity to match the bid, thereby making the decision as to whether it is profitable to meet the low bid. Finally, the taxpayers of Kansas win because Kansas money stays in Kansas.

Mr. Chairman and Members of the Committee, what you have before you in SB 612 is an opportunity to keep Kansas money in Kansas. If a Kansas bidder is willing to meet the low bid, our money stays at home and is turned back into the Kansas economy via taxes and spending. If the Kansas bidder, on the other hand, is unwilling to meet the low bid for whatever reasons, then Kansas money has been spent wisely even though the dollars flow out-of-state.

We feel that SB 612 is a very good measure, and we urge you to give it your strongest consideration and recommend it favorably for passage by the full Senate.

Thank you for your time and attention, and I would be happy to respond to any questions.

* * * * *



SMITH AUDIO VISUAL INC.

623 Kansas Avenue Topeka, Kansas 66601-1216 913/235-3481

3/18/86
Attachment #3
Proponent

March 18, 1986

Larry Heilman
President, Smith Audio Visual, Inc.

We at Smith Audio Visual, Inc. are for Bill No. 612:

In most cases Kansas State Agencies request information concerning communications electronics from our firm. Much of the information is highly technical and a great amount of time can be spent on giving the correct information (cords, cables, line drawings, what it will do, etc). Once this is given, anyone can bid on the supplied information.

There is no preference given Kansas firms even for services rendered, such as above. Out-of-state firms do not have to pay sales staff (just order takers). Service is another matter, it maybe to costly for the agency to send the unit for repair from the company purchased from because the cost of freight would be 5% to 25% cost of the unit, even under warranty. Out-of-state firms do not pay property taxes, pay taxes on profit, or create jobs for Kansas People.

In previous years the Video and Audio tape contracts have gone out-of-state for just being a few cents lower.

The State of Missouri gives Missouri firms a 5% edge over out-of-state bids. Out-of-state firms must be 5% LOWER than Missouri bidders.

Once again, we support Bill No. 612, and any additional changes to help Kansas firms.

3/18/86
Opponent
Attachment #4

TESTIMONY ON SENATE BILL 612
TO THE
SENATE FEDERAL & STATE AFFAIRS COMMITTEE
BY THE
ASSOCIATED GENERAL CONTRACTORS OF KANSAS
MARCH 18, 1986

THANK YOU MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. MY NAME IS DAN MORGAN. I APPRECIATE THE OPPORTUNITY TO BE HERE TODAY AND TO PRESENT THE POSITION OF THE ASSOCIATED GENERAL CONTRACTORS OF KANSAS REGARDING SENATE BILL 612. AGC OF KANSAS REPRESENTS SOME 270 GENERAL CONTRACTOR, AND ASSOCIATE SUBCONTRACTOR AND SUPPLIER MEMBERS ENGAGED IN OR SERVICING THE COMMERCIAL AND INDUSTRIAL BUILDING CONSTRUCTION INDUSTRY IN OUR STATE.

LET ME SAY AT THE OUTSET THAT OUR INDUSTRY IS VERY MUCH OPPOSED TO PREFERENTIAL BIDDING LAWS. AGC OF KANSAS HAS A LONGSTANDING POSITION IN OPPOSITION TO SUCH LAWS AND THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA HAS HAD THE SAME POSITION SINCE 1960. OUR POSITION IS BASED ON THE FUNDAMENTAL PROPOSITION THAT THE OPEN AND COMPETITIVE FREE ENTERPRISE SYSTEM OUGHT TO BE PRESERVED. FEDERAL, STATE AND LOCAL PREFERENCE LAWS DISCRIMINATE AGAINST BONA FIDE CONTRACTORS DOMICILED OUTSIDE THE POLITICAL SUBDIVISION WHICH IMPOSES A PREFERENCE FOR ITS LOCAL BIDDERS. THEY ARE BARRIERS TO FREE AND OPEN COMPETITION.

THE PROBLEM WITH PREFERENCE LAWS IN OUR INDUSTRY IS THAT, WHILE THEY FENCE NON-DOMICILIARY CONTRACTORS OUT, THEY ALSO ULTIMATELY FENCE THE LOCAL CONTRACTOR IN. OUR INDUSTRY RELIES ON THE ABILITY TO MOVE FREELY ACROSS LOCAL AND STATE BOUNDARIES IN ORDER TO FIND CONSTRUCTION MARKETS THAT ARE AVAILABLE. NATURALLY MOST OF OUR MEMBERS LIKE TO WORK CLOSE TO HOME WHEN POSSIBLE BUT IF THE WORK IS NOT THERE THEY HAVE TO MOVE TO OTHER MARKETS OR GO OUT OF BUSINESS.

YOU CAN IMAGINE THE FRUSTRATION OF HAVING SPENT DAYS PUTTING TOGETHER A SUCCESSFUL LOW BID ON AN OUT-OF-STATE PROJECT ONLY TO LOSE IT BECAUSE OF A BIDDING PREFERENCE LAW. FORTUNATELY SUCH LAWS ARE THE EXCEPTION RATHER THAN THE RULE.

SO IT IS EASY TO SEE HOW THE IMPOSITION OF LOCAL BIDDING PREFERENCE LAWS SET A DANGEROUS PATTERN. LOCAL PREFERENCES GIVE RISE TO "RETALIATORY" OR "RECIPROCAL" LAWS BY NEIGHBORING COMMUNITIES, COUNTIES AND STATES. SUCH PREFERENCES SIMPLY IMPOSE THE SAME PREFERENCE AGAINST NON-DOMICILIARY CONTRACTORS AS THEIR DOMICILE IMPOSES AGAINST "FOREIGN" CONTRACTORS. WHEN YOU LOOK BEYOND LOCAL SELF-INTEREST AND VIEW THE LARGER PICTURE, SUCH LAWS HAVE LITTLE REDEEMING VALUE ABSENT A SUBSTANTIAL AND SPECIFIC HARDSHIP FACING LOCAL BIDDERS.

OUR MEMBERS SEE NO SPECIAL HARDSHIP TO JUSTIFY THE APPLICATION OF SB 612 TO OUR INDUSTRY. ALTHOUGH KANSAS CONTRACTORS MIGHT BENEFIT FROM SUCH A LAW IN THE SHORT RUN WE OPPOSE PREFERENCE LAWS IN CONSTRUCTION BECAUSE RESULTING RETALIATORY PREFERENCE LAWS FENCE US OUT OF NEIGHBORING STATES JUST AS SURELY AS THIS PREFERENCE MEASURE WOULD FENCE OUT-OF-STATE CONTRACTORS OUT OF KANSAS MARKETS. WE WANT TO PRESERVE OUR RIGHT TO BID ON AN OPEN AND COMPETITIVE BASIS IN OUR NEIGHBORING STATES AND ANYWHERE ELSE IN THE COUNTRY. WE BELIEVE THE LOWEST AND BEST PRICE FROM A RESPONSIBLE CONTRACTOR OUGHT TO BE ACCEPTED WHETHER THAT CONTRACTOR IS DOMICILED IN KANSAS OR ELSEWHERE.

FOR THESE REASONS THE AGC OF KANSAS STRONGLY RECOMMENDS THAT THIS MEASURE NOT BE APPLIED TO THE CONSTRUCTION INDUSTRY. WE NEED THE FLEXIBILITY TO MOVE ABOUT AND REACH OUT TO NEW MARKETS WITHOUT BEING HAMPERED BY RETALIATORY PREFERENCE LAWS IN OTHER STATES. WE ASK THAT YOU PRESERVE THAT RIGHT FOR KANSAS CONTRACTORS.

DEPARTMENT OF ADMINISTRATION
Division of PurchasesJOHN CARLIN,
Governor
NICHOLAS B. ROACH,
Director of Purchases3/18/86
Opponent
Attachment #5
Room 165-173 N.
State Office Building
Topeka, Kansas 66612-1573
(913) 296-2376M E M O R A N D U M

TO: Arthur H. Griggs, Chief Counsel,
Department of Administration

FROM: Nicholas B. Roach, Director of Purchases *Nich Roach*

DATE: February 28, 1986

RE: SB 612

This bill would allow the low bid resident bidder 72 hours to meet the bid of the lowest acceptable bid received. It is not a good bill because:

1. It encourages the Kansas bidder to bid higher, knowing he only has to be the lowest in-state bidder, and will have the opportunity to adjust his bid to a known figure.
2. It discourages the non-Kansas bidder from being competitive, because his bid will be exposed for the purposes of being met (not beaten) by his in-state competitor.

Ultimately, the non-resident (non-domiciled) bidder will not bid, to prevent his pricing from being revealed to competitors in areas where free competition exists. When that happens state agencies will pay more, need larger budgets, and spend more than would be necessary.

Senator Edward F. Reilly, Chairman
Federal & State Affairs Committee

3/18/86
Proponent
Attachment #6

Mr. Chairman:

I am Robert E. Schumaker, Vice President-Kansas Peace Officer's Association, telephone 913-357-2711.

Thank you for the opportunity to address your committee on Senate Bill 718. This is an important issue relating to the Safety of Law Enforcement Officers working in this state.

At the present time there are numerous Law Enforcement Officers working in this state that are not able to receive emergency broadcasts on wanted persons or felons who are known to be in their immediate area because their agencies are prevented from installing an ASTRA Terminal. Several Law Enforcement Agencies who are authorized access to National Crime Information Center files through the Kansas ASTRA Network have been restricted or denied authority for a terminal by the Kansas Law Enforcement and Civil Defense Communication Committee because of restrictions set forth in KSA 74-5703 pertaining to the payment for such terminals.

This amendment will allow authorized agencies access to this information through the ASTRA Terminal without relying on uninterested agencies to provide secondhand information to them.

One large group of Law Enforcement Agencies affected by this statute is the Railroad Police. At the present time there are approximately 95 Railroad Police Offices working within the boundaries of Kansas. These Offices make numerous contacts with unknown persons throughout their tour of duty. During 1985, these offices stopped and identified over 2000 trespassers. In addition to these trespassers, they investigated over 3000 other incidents ranging from accidents to burglaries and theft. They currently utilize various Law Enforcement Agencies in their area to enter information into the ASTRA System, but do not have the capabilities of receiving information.

We request this statutory change to allow these Law Enforcement Officers the same safety and protection through the use of ASTRA as other Law Enforcement Offices currently have.

On February 3, 1986, The Kansas Peace Officer's Association, The Kansas Sheriff's Association and The Kansas Association of Chiefs of Police held a joint legislative conference in Topeka, Kansas, and voted to support Senate Bill 718.

3/18/86
Attachment #7

State Department of Social and Rehabilitation Services

Testimony in Support of S.B. 292

Mr. Chairman and Members of the Committee:

I appear today in support of S.B. 292 which prohibits discrimination against blind, visually handicapped and physically disabled persons in the rental or sale of housing. Current State law insures that these persons have the same right as the able-bodied to public facilities and public places and to the use of public conveyances and modes of transportation, public accommodations, and other places to which the public is invited. State law does not prohibit discrimination against these persons in rental or sale of housing, which prohibits some from participating fully in the social and economic life of the State and from engaging in remunerative employment. An example of discrimination that can occur is the refusal to sell or rent housing to blind persons who use guide dogs. This refusal is usually based on viewing guide dogs as pets. In reality, these dogs are trained, well-groomed, well-behaved animals that play a vital part in enabling their blind owners to travel independently. SRS supports any action which will prevent discrimination in rental or sale of housing or elsewhere against blind, visually handicapped or other physically disabled persons. SRS urges passage of S.B. 292.

Richard A. Schutz, Director
Services for the Blind
Social and Rehabilitation Services
296-4454
3-18-86

for

Sen. Fed. & State Affairs
3/18/86 Attachment 7

Robert C. Harder, Secretary

Office of the Secretary

Social and Rehabilitation Services

296-3271

3-18-86

3/18/86.
Attachment #8

Kansas Association for the Blind and Visually Impaired, Inc.

MARCH 18, 1986

TO: SENATE FEDERAL AND STATE AFFAIRS

FROM: MICHAEL J. BYINGTON. LOBBY

SUBJECT: S292

K.S.A. 39-1102 designates that dog guides for the blind may go into any places listed in K.S.A. 39-1101. This is why amending K.S.A. 39-1101 will have the result of effecting dog guide access rights.

The principle purpose of this bill is to assure that blind persons who use properly trained dog guides will be able to rent or buy housing without experiencing discrimination or confusion because the potential landlord considers the animal a pet and thus does not wish to rent or sell, or wants to charge a pet deposit. Dog guides for the blind are not pets. They are well trained, working mobility tools. This bill would allow dog guides to essentially be designated as non-pets. This will in fact protect landlords who do not want to rent to persons having pets. Landlords will be able to rent to dog guide users with the legal assurance that such an action will not result in their being forced to rent to pet owners. In the rare case that the dog guide would do some damage to a rental property, landlords would be protected by K.S.A. 39-1102 which provides that the dog guide user must pay for any damage done by the dog.

The Kansas Legislature, in its wisdom, a few sessions ago, through the addition to the law of K.S.A. 39-1107, assured rental and sale housing access to deaf persons using hearing ear dogs. Dog guides for the blind have been used much longer than have hearing ear dogs, and have an even more proven record. Thus certainly the Kansas Legislature should see fit to afford the same rights of access to dog guides for the blind.

K.S.A. 39-1101 et seq. legally assures that blind, visually handicapped, and physically disabled Kansans the rights to fully participate in the social and economic life of the State; engage in remunerative employment; to use streets, sidewalks, highways, and public buildings, etc; to ride a number of listed common transportation carriers; and to purchase services from and thereby fully use hotels, lodging places, places of amusement and resort, and food service establishments. All other places to which the public is invited are also designated. While these rights are most appropriate as they allow for the disabled to function in the community, they can not truly assure that the disabled person may indeed live and function in the community

unless the disabled person is assured a place to live. Rental and sale housing need to be added.

I will close by, for the sake of clarification, pointing out some things this bill would *NOT do. It would NOT require that any* adaptations be made in housing to accommodate disabled individuals. By way of analogy, the law presently assures the right of the handicapped person to use a sidewalk, but does not require that that sidewalk be accessible to or usable by the handicapped person. The disabled person must use it as he/she finds it. This bill in no way deals with the housing needs of the mentally ill or mentally retarded. This bill does not require enforcement by the Kansas Commission on Civil rights. There thus is no fiscal note. While all of these things might be desirable to do, they all have been controversial when brought up in other legislation. Thus, please do not let it be implied that any of these things might be done by the bill.