

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1395

2001 HOUSE HUMAN SERVICES

HB 1395

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1395

House Human Services Committee

Conference Committee

Hearing Date January 30, 2001

Tape Number	Side A	Side B	Meter #
Tape 2	X		0-2415
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on HB 1395.

Rep. Gulleson: Presented Bill. My task is to walk you through this bill. The bill basically provides a uniform set of standards for assistance dogs throughout the state so that as people with disabilities move between states, the standards will be the same. They won't be denied access in one state where they were allowed access in another. That is the goal of this bill.

Chairman Price: The Senate Bill has a Sec. 5 in it that yours does not, is that the amendment you're talking about?

Rep. Gulleson: Yes.

Chairman Price: Do you see any problems if we enact Sec. 4 as far as an employer that may be a food establishment owner or in another case, a medical provider?

Rep. Gulleason: Current law already provides exceptions for these types of situations.

Rep. Porter: On refusal to provide housing - is there a provision for the landlord that he can require more of a security deposit for damages?

Rep. Gulleason: Current law states fees cannot be higher.

Rep. Porter: In Sec. 2 it states the individual is liable for damages done by an assistance dog, but that same language does not appear in the housing portion. This is conflicting. Another question is when you look at Sec. 5 and Sec. 7, vehicles required to yield to the individuals with assistance dogs, there is no provision that they have to have certain markings that will identify them as assistance dogs.

Rep. Gulleason: I am going to let Mike Gehring answer that question.

Rep. Porter: In the employer part of it, what about other employees that have allergies?

Rep. Gulleason: Hopefully, that could be worked out in the work place.

Mike Gehring: Executive Director of Great Plains Assistance Dog Training. I would like to address the question regarding food service establishments - more than likely they would work at a cashier's counter. Hospital settings, of course common sense has to be interjected. As far as the pedestrian issue, the dogs have white lettering and harnesses. The first they need to look at in the entire issue is to stop looking at this as a dog, and start looking at it as an auxiliary device for an individual with a disability.

Chairman Price: Close hearing on HB 1395.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1395

House Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
Tape 3	X		3770 to 5220
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: The amendments that were passed out make this bill the same as the Senate Bill 2365. That is for the trainer to be able to work with the dog in public. The sponsors are in favor of that.

REP. GALVIN: Did they get around the allergy issue?

CHAIRMAN PRICE: It is the same as for perfume, or hair spray, or smoker. Something that would have to be handled by employee-employer negotiations.

REP. METCALF: I motion a Do Pass on your amendment.

REP. WEILER: Does this mean we have to get rid of Section 5, lines 13 and 14.

CHAIRMAN PRICE: We're not replacing, we're adding. All in favor signify by saying Aye. We have an amended bill.

REP. PORTER: I have two concerns with this bill. Concern number one is Section 4. I think that by putting this kind of verbage into law that we are creating a conflict with the federal ADA standards by mandating an employer and not leaving it up to negotiations. Not everybody has an office big enough. From an ADA standpoint and a medical standpoint we are putting a big burden on the employers that we shouldn't do. My second problem with this bill is Section 5. We're stating that we have to give caution to people with a guide dog, but we aren't saying how are we going to recognize that dog as a guide dog in comparison to me walking my dog down the street.

REP. DOSCH: I agree with Rep. Porter on this. I have several problems with the bill and one is in that section. We're suppose to be extra careful when an individual with a dog is there, but what about a little kid on his bike. Do we need a special law for that? Do we need a special law for a mother pushing a kid across the street in a stroller? Do we need to address that? We're Picking out one little aspect and making a law out of it. I think ADA covers people with disabilities very well, and I just don't see the need for another piece of legislation.

REP. WEISZ: Are we going beyond even what is currently provided for a seeing eye dog?

CHAIRMAN PRICE: Committee, would you like to have the intern to research how this bill sits with the ADA, as far as what is required of the employer and that sort of thing? I still have an amended bill in front of us, but we will let Annette do some of that.

REP. METCALF: On Section 5 it really hasn't changed anything of the law that is currently there except that it changed the verbage a little bit, but added injury to the assistant dog. It is already there.

CHAIRMAN PRICE: We're done for today.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1395 A

House Human Services Committee

Conference Committee

Hearing Date February 6, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		3030 to end
Tape 1		X	0 to 2940
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

**COMMITTEE WORK:**

CHAIRMAN PRICE: Let's go to HB 1395.

REP. CLEARY: I have a note here that says this provides uniform standards between states.

VICE CHAIRMAN DEVLIN: What are the ADA requirements about a dog being marked?

REP. WEISZ: Does Section 4 have to be put in when there is no reference to seeing eye dogs?

CHAIRMAN PRICE: I think it is a case by case basis. It is not a law, but I think most businesses realize they have to allow that.

REP. DOSCH: I don't see the need for this law. Most of these issued are already regulated through ADA.

REP. METCALF: This is a changing from a seeing eye dog to an assistant dog. Secondly, there is a housing area there. I guess as far as Section 4 is concerned that has nothing to do with allowing of patrons into an establishment, it has to do with an employer.

REP. NIEMEIER: I think the benefit of this bill is to get the language "assistant dog" in as it relates to handicap persons who the dog will pick up things for them and perform little tasks. I would like to move the amendment to expand Section 5 - add the trainer.

REP. METCALF: I really don't think this is going to be that big of a problem.

REP. PORTER: In Section 3, we're telling the public that you can't refuse to provide housing, but we're not telling them that the security deposit can be more because of the dog. We're not telling them they are responsible for any damage done by the assistance dog. I think Section 4 should be completely removed from the bill. I think Section 5 should be amended so that after line 19 after the word dog we insert "easily identified by a harness."

CHAIRMAN PRICE: (Committee discussion.)

REP. WEISZ: Motioned a Do Not Pass as amended.

REP. KLEIN: Second.

CHAIRMAN PRICE: (Committee discussion.)

REP. PORTER: Move to amend Sections 3 and 4.

REP. POLLERT: Second.

CHAIRMAN PRICE: We have a motion and a second for an amendment. Discussion on the amendment.

REP. METCALF: I would like to ask a question regarding ADA and Section 3. Is this Section 3 more stringent than the ADA requirement or housing requirements

REP. DOSCH: I do believe it is because it is requiring all landlords to do it.

REP. METCALF: You're saying then that there can be no apartment houses set aside that say "no pets" - that would be completely outlawed?

REP. DOSCH: Yes.



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House Human Services Committee

Bill/Resolution Number HB 1395

Hearing Date February 6, 2001

REP. NIEMEIER: Isn't an assistance dog classified as a pet - I don't think so?

CHAIRMAN PRICE: I don't have anything the Intern pulled off for me as far as housing goes.

You're right, assistance dogs are not pets. We have a motion in front of us to delete Section 3,

Section 4, and put "special harness" in Section 5. All those in favor signify by saying Aye (11

Yes, 3 No). We have an amended bill in front of us.

REP. PORTER: Motion DO PASS as amended.

REP. WEISZ: Second.

CHAIRMAN PRICE: The clerk will take the roll on a **DO PASS as amended**.

**11 YES 3 NO 0 ABSENT CARRIED BY REP. WEISZ**

PROPOSED AMENDMENTS TO HB 1395

Page 1, line 1, replace "three" with "four"

Page 2, after line 12, insert:

**SECTION 5.** A new section to chapter 25-13 of the North Dakota Century Code is created and enacted as follows:

**Trainer and assistance dog - Admission to public places.** The trainer of an assistance dog, with the assistance dog, may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the assistance dog, provided:

1. The trainer wears a photo identification card issued by assistance dogs international indicating that the trainer is a member of assistance dogs international; and
2. The trainer is liable for any damage done to the premises or facility by the assistance dog.

Renumber accordingly

VR  
2/6/01

HOUSE AMENDMENTS TO HB 1395

HOUSE HS

2-7-01

Page 1, line 1, replace "three" with "two"

HOUSE AMENDMENTS TO HB 1395

HOUSE HS

2-7-01

Page 2, replace lines 1 through 12 with:

"Trainer and assistance dog - Admission to public places. The trainer of an assistance dog, with the assistance dog, may enter any place of public accommodation, common carrier, facility of a health care provider, and any place to which the public is generally invited, without being required to pay an extra charge for the assistance dog, if:

1. The trainer wears a photo identification card issued by assistance dogs international indicating that the trainer is a member of assistance dogs international; and
2. The trainer is liable for any damage done to the premises or facility by the assistance dog."

Page 2, line 19, after "an" insert "easily identified"

Renumber accordingly

Date: 2-6-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1395

House Human Services Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS as amended

Motion Made By Rep. Weisz Seconded By Rep. Klein

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman		✓	Rep. Audrey Cleary		✓
Rep. William Devlin, V, Chairman		✓	Rep. Ralph Metcalf		✓
Rep. Mark Dosch	✓		Rep. Carol Niemeier		✓
Rep. Pat Galvin	✓		Rep. Sally Sandvig		✓
Rep. Frank Klein	✓				
Rep. Chet Pollert		✓			
Rep. Todd Porter		✓			
Rep. Wayne Tieman		✓			
Rep. Dave Weiler		✓			
Rep. Robin Weisz	✓				

Total (Yes) 4 No 10

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 2-6-01  
Roll Call Vote #: 2

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1395

House Human Services Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amend - Remove Secs. 3 & 4 & add "easily identified" to Sec. 5

Motion Made By Rep. Porter Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary		✓
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier		✓
Rep. Pat Galvin	✓		Rep. Sally Sandvig		✓
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 11 No 3

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

