

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2365

2001 SENATE JUDICIARY

SB 2365

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2365

Senate Judiciary Committee

☐ Conference Committee

Hearing Date January 7th, 2001

Tape Number	Side A	Side B	Meter #
1		x	7.1-33.2
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2365: A BILL FOR AN ACT TO CREATE AND ENACT FOUR NEW SECTIONS TO CHAPTER 25-13 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ASSISTANCE DOGS; TO AMEND AND REENACT SECTIONS 25-13-02, 25-13-03, 25-13-04, AND 39-10-33.3 AND SUBSECTION 22 OF SECTION 40-05-02 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE RIGHTS OF INDIVIDUALS WITH DISABILITIES WHO ARE ACCOMPANIED BY ASSISTANCE DOGS AND THE LICENSING OF ASSISTANCE DOGS; TO REPEAL SECTIONS 25-13-01 AND 25-13-05 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO LEGISLATIVE POLICE; AND TO PROVIDE A PENALTY.

**Senator Erbele**, has a guide dog facility in his district. There has been abuses of using guide dogs. Section 5 addresses this issue. Section 3- house committee deleted this section and section 4. House felt dog should have clear markings. We accept these amendments.

**Senator Nelson**, Section 4 was deleted because of human rights address this, however, it didn't pass.

**Senator Erbele**, Metcalf could answer that.

**Mike Goering**, with great plains association, testifies in support of SB 2365. One concern is training organizations such as (ADA) believes this bill is to liberal. Currently now get several calls from property owners whose clients recieves a companian animal. I have a problem with that because they are not trained animals. This bill doesn't address this issue, it is just a seed to plant in your heads. In section 5, I've been dreaming about this for years. We just brought this dog into the great hall today and you just can't do that with a dog straight from the pound. Subsection 1 needs to be changed so registered trainers are recognized.

**Senator Traynor**, what language do you suggeset on 19 and 20?

**Mike Goering**, the trainer wears a photo id issued by the training program. I have no problem taking liability for my dogs. I don't want any one to be a trainer, I want schooling.

**Senator Watne**, this bothers me. Why should you be able to bring a dog into a building? What about allergic people?

**Mike Goering**, I support you. I'm saying the dog needs training to learn how to socialize with people. Allergies are a big problem and accomidations were made by employers. I have found allergies not to be a problem.

**Senator Nelson**, in subsection 4. A photo id, do you get a card for qualification?

**Mike Goering**, no, but there is a frame certifying.

**Senator Nelson**, could you take that and use them on the id card?

**Mike Goering**, I could do that, but it won't make much of a difference.

**Senator Traynor** closed the hearing on SB 2365.

Page 3  
Senate Judiciary Committee  
Bill/Resolution Number SB 2365  
Hearing Date FEBRUARY 7TH, 2001

**MOTION MADE BY SENATOR TRENBEATH TO MOVE AMENDMENTS AS  
REVISED, SECONDED BY SENATOR BERCIER. VOTE INDICATED 6 YEAS, 0  
NAYS AND 1 ABSENT AND NOT VOTING. SENATOR TRENBEATH MOTIONED  
TO DO PASS AS AMENDED, SECONDED BY SENATOR NELSON. VOTE  
INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR  
NELSON VOLUNTEERED TO CARRY THE BILL.**

PROPOSED AMENDMENTS TO SENATE BILL NO. 2365

Page 1, line 11, remove "or is being specially trained."

Page 2, line 15, after "dog" insert "in training", replace "The" with:

"1. A", and replace "of" with "with"

Page 2, line 16, after the first "dog" insert "in training" and remove ", with the assistance dog."

Page 2, line 18, after "dog" insert "in training"

Page 2, line 19, replace "1." with:

"a. The trainer notifies an onsite manager that an assistance dog in training is being brought onto the premises;

b." and after "by" insert "a dog training program holding membership in"

Page 2, line 20, remove "indicating that the trainer is a member of assistance dogs"

Page 2, line 21, remove "international"

Page 2, line 22, replace "2" with "c"

Page 2, line 23, after "dog" insert "in training.

2. Upon receiving notice as provided in subsection 1, the onsite manager may not deny admission to the trainer and the assistance dog in training without good cause"

Page 3, line 17, remove ", including a trainer."

Page 3, line 18, after the period insert "This section does not apply to a denial of admission under section 5 of this Act."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2365

Page 1, line 1, replace "four" with "two"  
Page 1, line 3, remove the first "and" and after "39-11-333" insert a comma  
Page 1, line 5, remove "to repeal sections 25-13-01 and 25-13-05 of the"

Page 1, line 6, remove "North Dakota Century Code, relating to legislative policy;"

Page 1, line 11, remove ", or is being specially trained."

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 12

Page 2, line 15, after "dog" insert "in training" and replace "the" with:

"1. ~~A~~ <sup>and</sup> ~~trainer with an~~ <sup>"The trainer of an"</sup> ~~or~~ with "with"

Page 2, line 16, after the first "dog" insert "in training" and remove "with the assistance dog," with "in training"

Page 2, line 18, after "dog" insert "in training"

Page 2, line 19, <sup>replace</sup> replace "1." with:

"a. The trainer notifies an onsite manager that an assistance dog in training is being brought onto the premises;

<sup>The trainer wears a photo identification card issued by</sup>  
b. <sup>and</sup> ~~after "by" insert~~ <sup>2</sup> a dog training program holding membership in <sup>assistance dogs</sup>

Page 2, line 20, remove "indicating that the trainer is a member of assistance dogs"

Page 2, line 21, remove "international"

Page 2, line 22, replace "2" with "c"

Page 2, line 23, after "dog" insert "in training."

2. Upon receiving notice as provided in subsection 1, the onsite manager may not deny admission to the trainer and the assistance dog in training without good cause"

Page 3, line 17, remove "including a trainer."

Page 3, line 18, after the period insert "This section does not apply to a denial of admission under section 5 of this Act."

Page 4, remove lines 1 and 2

Date: 2/13/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2365

Senate Judiciary Committee

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

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

Action Taken Move Amendments 10709, 0202 as revised

Motion Made By Trenbeath Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman			Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 6 No 0

Absent 1

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

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



Date: 2/13/01  
Roll Call Vote #: 2

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2365**

Senate	Judiciary	Committee
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Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

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

Action Taken	Do Pass as Amended
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Motion Made By Trubatch Seconded By Nelson

[illegible]

Total (Yes) 6 No 0

**Absent**

Floor Assignment S. L. Nelson

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

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

**REPORT OF STANDING COMMITTEE**

**SB 2365: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2365 was placed on the Sixth order on the calendar.

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

Page 1, line 3, remove the first "and" and after "39-10-33.3" insert a comma

Page 1, line 5, remove "to repeal sections 25-13-01 and 25-13-05 of the"

Page 1, line 6, remove "North Dakota Century Code, relating to legislative policy;"

Page 1, line 11, remove ", or is being specially trained,"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 12

Page 2, line 15, after "dog" insert "in training" and replace "The trainer of an" with:

"1. A trainer with an"

Page 2, line 16, replace ", with the assistance dog," with "in training"

Page 2, line 18, after "dog" insert "in training"

Page 2, replace line 19 with:

"a. The trainer notifies an onsite manager that an assistance dog in training is being brought onto the premises;

b. The trainer wears a photo identification card issued by a dog training program holding membership in assistance dogs"

Page 2, line 20, remove "indicating that the trainer is a member of assistance dogs"

Page 2, line 21, remove "international"

Page 2, line 22, replace "2" with "c"

Page 2, line 23, after "dog" insert "in training."

2. Upon receiving notice as provided in subsection 1, the onsite manager may not deny admission to the trainer and the assistance dog in training without good cause"

Page 3, line 17, remove ", including a trainer,"

Page 3, line 18, after the period insert "This section does not apply to a denial of admission under section 3 of this Act."

Page 4, remove lines 1 and 2

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2365

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2365

House Judiciary Committee

☐ Conference Committee

Hearing Date 03-07-01

Tape Number	Side A	Side B	Meter #
TAPE II	X		1889 to 5677
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Vice Chr Kretschmar opened the hearing on SB 2365. Relating to assistance dogs; relating to the rights of individuals with disabilities who are accompanied by assistance dogs and the licensing of assistance dogs and to provide a penalty.

Senator Robert Erbele: District 28, introduced the bill, there is a very similar bill on the House side carried by Rep Gulleon and then I introduced a bill on the Senate side (Great Plains Guide Dog School of Jud, North Dakota). They began in the late 1980 to train guide dogs. He explained the bill and explained the penalty phase of the bill.

Rep Klemm On page two, line two of section one, the word "common carrier" is used, what about North West Airlines.

Senator Erbele: Perhaps Mr Gehring can answer that question.

Rep Delmore: Arn't the dogs clearly recognizable as a trained assistance dog.

Senator Erbele: They have the harness that would indicate that they are an assistance dog, and the trainer would have a photo ID.

Vice Chr Kretschmar: If there are no further questions, thank you for appearing before the committee.

Rep Gulleeson: District 26, appeared in support of SB 2365. I had a similar bill in HB 1395 and I went to the Senate side and asked for a DO NOT PASS recommendation, we are going to go with this bill as there is not point in having two bills. By the passage of both bills, we can pull them into one and have a strong bill. The language in this bill is very important and it puts them in line with seeing eye dogs.

Vice Chr Kretschmar: Are there any portions in your bill that you would like to have in this bill.

Rep Gulleeson: There is an additional amendment that was not part of either bill that further clarifies the definition. There is nothing else.

Vice Chr Kretschmar: Are there any other questions, thank you for appearing.

Mike Gehring: There are two items in the bill that we need to look at, the importance is that the American With Disabilities Act speaks to assistance for people with handicaps. We have several problems trying to find out where the lines are in the use of the law. He then names several different types of animals that are being used. There is a coalition of consumers, trainers and guide dog programs that have come up with new language (see attached) to put in under section one to clarify the definition. The second change is in section three item 1B - trainer ID - we would like to add the US Council of Guide Dog Schools and international federation of guide dog schools.

Rep Delmore: Section six, I can understand, but a cane tells me one thing and a harness tells me another. Is there anything on the market that will identify an assistant dog.

Mike Gehring: That section of the law came as a result of the guide dog movement. When we school an individual, they are provided with a harness and back pack.

Rep Delmore: In section seven, it says there will be regulated examines, but the license fee will always be waived. Is there a reason why we will always be waived/

Mike Gehring: This comes out of model law. Because so many people who use our dogs, many of them are living month to month, we did not want to burden them financially.

Vice Chr Kretschmar: That part of the section is part of the municipal code. Could you tell us in a few minutes what your organization is doing down there.

Mike Gehring: In 1989, Great Plains started and we train dogs for people who have disabilities. He then goes on to explain the history of the organization.

Vice Chr Kretschmar: How long does it take to train a dog.

Mike Gehring: It takes 18 to 24 months, we start with 8 week old puppies and work with them until they reach the age of 2 year. The cost of training is \$15,000.00 per dog.

Vice Chr Kretschmar: What breed of dog do you use.

Mike Gehring: We use golden retrievers and labs and some cross breeds.

Rep Disrud: How many dogs can you house.

Mike Gehring: We have the facility to house 24 dogs.

Rep Delmore: Once the dogs are trained to the people come to North Dakota for their training.

Mike Gehring: The people come and stay for three weeks and then we provide a follow up service. In Montana Medicaid pays for the dogs and this can save the state up to \$60,000.00 per case.

Page 4  
House Judiciary Committee  
Bill/Resolution Number SB 2365  
Hearing Date 03-07-01

Vice Chr Kretschmar: Are there any questions, thank you for appearing. Is there anyone wishing to testify in support, opposition of SB 2365. Seeing none we will close the hearing on SB 2365.



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2365b

House Judiciary Committee

☐ Conference Committee

Hearing Date 03-14-01

Tape Number	Side A	Side B	Meter #
TAPE I	x		01 to 891
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey called the committee to order on SB 2365.

DISCUSSION

Vice Chair Kretschmar: Rep Delmore said there were amendments for line 10 page regarding a definition. Rep Delmore moved the amendment, seconded by Rep Onstad.

DISCUSSION on the amendments.

Rep Delmore: the amendment should start with assistant dogs.

Vice Chr Kretschmar: A voice vote on the amendment, motion carries.

Rep Klemin: proposed an amendment on page 2 line 31, contributory negligence change to fault, seconded by Rep Wrangham.

DISCUSSION

Vice Chr Kretschmar: called for a voice vote on Rep Klemin's amendment, motion carries.

Rep Kingsbury: moved an amendment in section 3, sub section one line 8 to add US Council of Guide Dog School and International Federation Guide Dog School , seconded by Rep Delmore.

Page 2  
House Judiciary Committee  
Bill/Resolution Number SB 2365  
Hearing Date 03-14-01

Vice Chr Kretschmar: called for a voice vote on Rep Kingsbury amendments, motion carried.

Rep Delmore moved a DO PASS as amend, seconded by Rep Kingsbury. The clerk will call the roll on a DO PASS as amend on SB 2365. The motion passes with a vote of 13 YES, 0 NO and 2 ABSENT. Carrier Rep Onstad.

VR  
3/14/01

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL 2365 HOUSE JUDICIARY 03-15-01**  
Page 1, line 9, replace "an assistance dog is" with ":

1. "Assistance dog" includes

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL 2365 HOUSE JUDICIARY 03-15-01**  
Page 2, line 8, after "International" insert "International federation of guide dog schools, or United States council of dog guide schools"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

Renumber accordingly

Date: 03-14-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB-2365

House JUDICIARY Committee

☐ Subcommittee on \_\_\_\_\_

or

☐ Conference Committee

Legislative Council Amendment Number 10709.0301 400

Action Taken Do Pass as amend

Motion Made By Rep Delmore Seconded By Rep Kingsbury

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR --Wm E Kretschmar	✓				
Rep Curtis E Brekke					
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep Onstad

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

**REPORT OF STANDING COMMITTEE**

SB 2335, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2365 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "an assistance dog is" with ":

1. "Assistance dog" includes

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

Page 2, line 8, after "international" insert ", International federation of guide dog schools, or United States council of dog guide schools"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

Renumber accordingly

2001 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2365

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2365

Senate Judiciary Committee

☒ Conference Committee

Hearing Date March 30th, 2001

Tape Number	Side A	Side B	Meter #
1	x		0-4
Committee Clerk Signature			

Minutes: **Senator Trenbeath**, opened the conference committee on 2384.

**Senator Nelson**, my motion would be that the house recede from its amendments and the Senate and House adopt amendments.

**Rep. Brekke**, I second that.

**Vote indicated 6 yeas, 0 nays.**

**Hearing closed.**

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2365

That the House recede from its amendments as printed on page 854 of the Senate Journal and page 932 of the House Journal and that Senate Bill No. 2365 be amended as follows:

Page 1, line 9, replace "an assistance dog is" with ":

1. "Assistance dog" includes"

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

Page 2, line 7, after the second "a" insert "nationally recognized"

Page 2, line 8, remove "holding membership in assistance dogs international"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

Renumber accordingly



Date: 3/30/01  
Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2265**

Senate	Committee

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

Legislative Council Amendment Number

Action Taken House recede from H's Amendments and further Amend.

Motion Made By Nelson Seconded By Breckke

[illegible]

Total (Yes) 6 No 0

Absent 0

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

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

**REPORT OF CONFERENCE COMMITTEE**

**SB 2365, as engrossed:** Your conference committee (Sens. C. Nelson, Trenbeath, Dever and Reps. Disrud, Brekke, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 854, adopt amendments as follows, and place SB 2365 on the Seventh order:

That the House recede from its amendments as printed on page 854 of the Senate Journal and page 932 of the House Journal and that Engrossed Senate Bill No. 2365 be amended as follows:

Page 1, line 9, replace "an assistance dog is" with ":

1. "Assistance dog" includes"

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

Page 2, line 7, after the second "a" Insert "nationally recognized"

Page 2, line 8, remove "holding membership in assistance dogs international"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

Renumber accordingly

Engrossed SB 2365 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

SB 2365



Options  
<options@rrv.net>

02/06/2001 04:03 PM

Please respond to  
options

To: jtraynor@state.nd.us, dwatne@state.nd.us, ddever@state.nd.us,  
slyson@state.nd.us, ttrenbea@state.nd.us, dbercier@state.nd.us,  
canelson@state.nd.us, rerbele@state.nd.us, wkretsch@state.nd.us,  
rmetcalf@state.nd.us, cpollert@state.nd.us

cc:

Subject: Request to change SB2365

February 6, 2001

The Honorable John T. Traynor and Committee Members  
Judiciary Committee Chairperson  
The State Senate  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Committee members,

I am writing to urge make changes to SB 2365. I have worked people with disabilities for the past 8 years. In my current job as and ADA/Accessibility Specialist over the year and a half I have assisted people with disabilities with self-advocacy in requesting reasonable accommodations to allow both assistive animals in public places along with assistive animals and companion/therapeutic animals in housing situations. The current bill should be changed to include the following.

- q Expand the proposed bill to include service animals instead of only addressing service dogs.
- q Differentiate between service animal and companion/therapeutic animal along with defining the rights allotted to each type of animal and owner regarding access to public places, work or housing.
- q Use caution in authorizing or requiring licensure or certification of service animals or companion/therapeutic animals.

First, SB 2365 only provides access rights to persons with disabilities who use assistance dogs. The Americans with Disabilities Act (ADA) provides access rights as a reasonable accommodation to persons with disabilities who use any assistance animal, recognizing other animals such as monkeys or other animals that are trained to do work or perform tasks for the person. See attached section from the ADA Title III Technical Assistance Manual along with the enclosed ADA "Commonly Asked Questions about Service Animals in Places of Business" and Department of Justice (DOJ) informational letter dated October 26, 1992, regarding definitions and examples of assistance/service animals. Additional information is available from the DOJ website as listed in the attached ADA Information Services sheet. Again I request that you expand SB 2365 to include assistance animals and not limit the bill only to assistance dogs.

Secondly, I request you differentiate between assistance animals and therapeutic/companion animals. Assistance animals are usually defined as an animal that is trained to do work or perform a task for a person with a disability. These animals usually have the rights as noted in the above. An assistance animal may or may not also be a companion/therapeutic animal depending on if therapeutic assistance to the well being of the person with a disability. Therapeutic/companion animals may or may not necessarily be service animals. Therapeutic

animals may a cat, dog or other animal that is prescribed for a person with a physical or psychiatric disability because the animal provides a level of therapeutic assistance to the well being of the person with a disability. These animals are allowed to live with a person. Landlords cannot refuse to rent an apartment to a person with a therapeutic animal even if the landlord has a no pet policy because the Fair Housing Act section 804(3) b., requires landlords to make "reasonable accommodations in rules, policies, practices, or services" for persons with disabilities. This same requirement is stated in the North Dakota Human Rights section of the Century Code 14-02.5-06 section (3)b. Landlords also cannot charge a pet deposit to a person with a therapeutic animal because additional charges/fees cannot be charged to persons with disabilities for reasonable accommodations. The person with the animal is still responsible though for any damage done by the animal. Therapeutic animals may be allowed to travel on trains, planes or accompany a person in a hotel/motel. Documentation usually required for therapeutic animals by landlords include a physician's letter documenting the person's need for the therapeutic/companion animal. Therapeutic/companion animals are not necessarily required to be trained because the benefit a person with a disability derives from a therapeutic animal may be directly inherent to the animal's nature. For example, cats or dogs may calm a person with hyperactivity or a mental illness. Fish may lower the blood pressure of a person with heart problems. A cat or dog may also provide a sense of well-being and purpose for a person who is lonely and suffers from depression. The access level accorded to therapeutic/companion animals should be decided by the person and his/her physician regarding access to travel accommodations such as hotels/motels, trains, planes or buses or other public places under the reasonable accommodation requirement of the ADA.

Lastly, I request that caution be taken when expanding assistive animal or therapeutic/companion animal licensing or certification requirements and responsibilities to city councils and board of city commissioners under the North Dakota Century Code 40-05-02. Under the ADA, a business owner "may not insist on proof of state certification before permitting the service animal to accompany the person with the disability" from ADA handout. See previously noted technical assistance section, enclosures along with DOJ Letter dated June 26, 1997 DOJ and Settlement Agreement with Budget Rent a Car Systems, Inc. These documents clearly state that a state licensing/certificate program requirement is not necessary for assistive or companion animals.

Specifically, "how public accommodation will determine whether an accompanying animal is a service animal. The title III regulation does not permit public accommodation to require any type of identification or certification of status to be shown. Moreover, the fact that a particular State law may require the showing of identification is irrelevant for purposes of determining rights under the ADA." DOJ letter dated October 26, 1992.

If you have any questions please call me at 218-773-6100.

Sincerely,

Corey Birkholz, M.S., CRC Options: Interstate Resource  
ADA/Accessibility Specialist Center for Independent Living  
1126 Cottonwood Street 318 3rd Street NW  
Grand Forks, ND 58201 East Grand Forks, MN 56721

Enc: ADA Information Services sheet

ADA "Commonly Asked Questions about Service Animals in Places of  
Business

DOJ Letter dated October 26, 1992

DOJ Letter dated June 26, 1997

DOJ Settlement Agreement with Budget Rent a Car Systems, Inc.

CC: Senators Erbele and Trenbeath (bill sponsors)

Representatives Kretschmar, Metcalf and Pollert (bill sponsors)

#### ATTACHMENT

"III-4.2300 Service animals. A public accommodation must modify its policies to permit the use of a service animal by an individual with a disability, unless doing so would result in a fundamental alteration or jeopardize the safe operation of the public accommodation.

Service animals include any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. Tasks typically performed by service animals include guiding people with impaired vision, alerting individuals with impaired hearing to the presence of intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or retrieving dropped items.

The care or supervision of a service animal is the responsibility of his or her owner, not the public accommodation. A public accommodation may not require an individual with a disability to post a deposit as a condition to permitting a service animal to accompany its owner in a place of public accommodation, even if such deposits are required for pets.

ILLUSTRATION: An individual who is blind wishes to be accompanied in a restaurant by her guide dog. The restaurant must permit the guide dog to accompany its owner in all areas of the restaurant open to other patrons and may not insist that the dog be separated from her.

A number of States have programs to certify service animals. A private entity, however, may not insist on proof of State certification before permitting the entry of a service animal to a place of public accommodation."

from the Department of Justice Technical Assistance Manual for Title III of the ADA



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### **Proposed Language Amendment to CFR 36.104**

A coalition of assistance dog training providers, guide dog providers, and those partnered with these dogs has developed and agreed upon the following language. The language was developed at a meeting of the coalition in February and has been agreed upon by all parties as of March 6<sup>th</sup>, 2001.

*Assistance animal means an assistance dog, and may include other animals*

*specifically trained to perform physical tasks to mitigate an individual's disability.*

*Assistance dogs include: guide dogs that guide individuals who are legally blind;*

*hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds;*

*and, service dogs for individuals with disabilities other than blindness or deafness.*

*Service dogs are trained to perform a variety of physical tasks including but not limited*

*to pulling a wheelchair, lending balance support, picking up dropped objects or*

*providing assistance in medical crisis. The presence of an animal for comfort,*

*protection or personal defense does not qualify an animal as being trained to mitigate*

*an individual's disability and therefore does not qualify said animal as an assistance*

*animal.*

This language has not been adopted by the Department of Justice as of March 7, 2001. The language is currently being forwarded to the DOJ for consideration at this time. Members of the coalition which drafted this language are unanimously in support of the language presented.

The purpose of this document is solely for information to North Dakota legislative members. This language has not yet been made available to the general population. It is presented by Great Plains Assistance Dogs Foundation, Inc. to legislative committee this 7<sup>th</sup> day of March, 2001. Great Plains presents this information for consideration for adoption to amend Senate Bill 2365; Section 1.

# **IAADP**

## **International Association of Assistance Dog Partners**

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### **Organizations with standards and ethics for provider members**

#### **Assistance Dogs International (ADI)**

Non-profit programs in the assistance dog field which train guide, hearing and/or service dogs have come together in the last decade to develop Standards & Ethics designed to safeguard the welfare of assistance dogs, disabled students and graduates, as well as the community. ADI's quarterly newsletter and annual conference provide educational and networking opportunities for its members, as well as for new programs and individuals interested in the future of the assistance dog field. It meets in conference with the International Association of Assistance Dog Partners, recognizing the value of input from those partnered with assistance dogs. A grievance committee system enables ADI to provide a consumer protection mechanism that can help resolve disputes or document abuses and unethical treatment, so it can keep out the bad apples and remain an organization whose members are proud to advertise themselves as belonging to ADI. Each member program upholds ADI's Standards and Ethics, gives every student the ADI Public Access Certification Test before graduation and offers all of its graduates follow up services and an opportunity for periodic re-certification. ADI produces a book of laws in different states in the USA, for \$6, plus Assistance Dogs Welcome Decals for the doors of businesses in your community for a small charge to offset printing costs. Click below to visit ADI site:

Assistance Dogs International Site

#### **ADI Board Members 2001**

- **PRESIDENT:** Debbie Gavelek, Fidos for Freedom
- **VICE PRESIDENT:** Linda Jennings, Loving Paws Assistance Dogs
- **SECRETARY:** Corey Hudson, Canine Companions for Independence
- **TREASURER:** Ralph Dennard, San Francisco SPCA
- **BOARD MEMBER:** Paul Masters, Support Dogs (UK)
- **BOARD MEMBER:** Mike Goehring, Great Plains Assistance Dogs Foundation, Newsletter Editor
- **BOARD MEMBER:** Dino Brownson, Assistance Dogs of America, Inc.
- **BOARD MEMBER:** Nancy Fierer, Susquehanna Service Dogs
- **BOARD MEMBER:** Sheila O'Brien, NEADS



### **Contact Information:**

Assistance Dogs International  
 Corey Hudson, ADI Secretary  
 c/o Canine Companions for Independence  
 P.O. Box 446  
 Santa Rosa, CA  
 (707)577-1700 V; 577-1756 TDD

### **ADI Member Programs**

- Assistance Dog Institute
- Assistance Dogs of America, Inc.
- Blue Ridge Assistance Dogs
- Canine Companions For Independence
- Canine Connection
- Canine Partners For Independence (England)
- Canine Partners For Life
- Canine Working Companions
- Canine Support Teams
- Canine Caring Companions
- Dogs for the Deaf, Inc.
- Dogs For the Disabled (England)
- East Coast Assistance Dogs
- Fidos for Freedom
- Freedom Service Dogs, Inc.
- Florida Dog Guides for the Deaf
- Great Plains Assistance Dogs Foundation
- Hearing & Service Dogs of Minnesota
- Hearing Dogs for the Deaf (England)
- Helping Paws of Minnesota
- Independence Dogs
- International Hearing Dog
- Japan Guide Dog School (Japan)
- Kansas Specialty Dog Service
- Loving Paws Assistance Dogs
- National Education for Assistance Dog Services NEADS
- New Horizons Service Dogs
- New Life Assistance Dogs
- OKADA, Ltd.
- Paws With A Cause
- Prison Pet Partnership Program
- San Francisco SPCA Hearing Dog Program
- Service-och Signalthundgruppen (Sweden)
- Sterling Service Dogs
- Stichting SOHO (Holland)
- Support Dogs, Inc.
- Susquehanna Service Dogs

- Texas Hearing and Service Dogs
- TheraPetics, Service Dogs of Oklahoma
- Top Dog

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### **International Federation of Guide Dog Schools (IFGDS)**

This organization provides guide dog schools in many countries the opportunity to share information at an annual conference and participate in its ambitious project to improve the health and temperament of future guide dogs. Each school has agreed to establish a breeding center, if it does not have one already, to only buy stock from member programs and to uphold the IFGDS high standards for breeding, rearing and training of guide dogs. Matings will be planned with the help of a computer, geneticists and breeding center managers. Schools will make use of frozen sperm and artificial insemination, so dogs do not have to be shipped from one end of the globe to the other for breeding purposes. Each schools has agreed to submit to on site annual inspection of its breeding center, and puppy raiser program, to ensure it is complying with IFGDS standards in all respects. The organization was launched by the Guide Dogs for the Blind Association in Great Britain in the 1990's and now has 61 members.

#### **Contact Information**

Ken Lord, President 1997 - 98  
 IFGDS  
 c/o SAGA  
 Box 67585  
 Bryanston, 2021, Republic of South Africa

#### **Member Schools (partial list)**

- Guide Dogs for the Blind Association - United Kingdom
- Guide Dogs for the Blind, Inc. USA
- Guide Dogs of America USA
- Royal Guide Dog School of New Zealand
- South African Guide Dog Association
- Schools in Canada, France, Holland, Australia

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### **US Council of Dog Guide Schools**

Ten guide dog schools in the USA formed this organization to work on projects of mutual interest and concern, such as safety and access issues. They meet in conference once a year to review new materials and training methods. These schools promote high standards for the training and placement of guide dogs with blind or visually impaired clients.

### Contact Information

Bill Hanson, President 1997 - 98  
 c/o Leader Dogs for the Blind  
 1036 S. Rochester Road  
 Rochester, MI 48307  
 (248) 651- 9011

### Member Schools

- Fidelco Guide Dog Foundation, Inc.
- Guide Dogs for the Blind, Inc.
- Guide Dog Foundation for the Blind, Inc.
- Guide Dogs of America
- Guide Dogs of the Desert
- Guiding Eyes For the Blind, Inc.
- Leader Dogs For The Blind
- Pilot Dogs
- The Seeing Eye, Inc.
- Southeastern Guide Dogs, Inc.

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