

Senate Political Subdivisions Committee
Sixty-Seventh Legislative Assembly of North Dakota
House Bill No. 1230
March 5, 2021

Good morning, Chairman Burckhard and Members of the Senate Political Subdivisions Committee. I am David Boeck, a State employee and a lawyer for the Protection & Advocacy Project. The Protection & Advocacy Project is an independent state agency that acts to protect people with disabilities from abuse, neglect, and exploitation, and advocates for the disability-related rights of people with disabilities.

House Bill 1230 was written to clarify that a "service animal" has the same meaning under both state and federal laws. The First Engrossment of HB 1230 does not quite accomplish that goal.

"Service animal" is not defined in the Americans with Disabilities Act and is not defined in the U.S. Code, but is defined in several ways in administrative regulations by several different federal agencies.

Under federal law, a service animal may be trained to provide "non-violent" protection. Non-violent protection should be acceptable to supporters of the bill. Non-violent protection does not suggest a ferocious dog, ready to attack to attack. A service animal routinely performs many tasks that are protective, like preventing a blind individual from stepping into traffic.

The original HB 1230 could have easily addressed this issue by adding "non-violent" as an adjective modifying "protection."

Federal law is quite confusing with regard to "miniature horses." Miniature horses are clearly not "service animals" but are treated substantially like service animals. The most significant difference is that it is easier to make a legitimate objection to the use of a miniature horse than use of a service dog.

I could draft an amendment to cover either or both of these issues if the Committee would like to have one or both for purposes of discussion or adoption.

Please let me know if you have any questions. Thank you.