

2003-04 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Senate Committee on  
Health, Children,  
Families, Aging and  
Long Term Care  
(SC-HCFALTC)

Sample:

Record of Comm. Proceedings ... RCP

- 03hrAC-EdR\_RCP\_pt01a
- 03hrAC-EdR\_RCP\_pt01b
- 03hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ 03hr\_ab0332

➤ Miscellaneous ... Misc

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

FEB 04 2004

FEB 04 2004

W full JH —  
CR —

Carol,

Thank you for promptly scheduling a hearing on AB 332 a bill that brings Wisconsin law in conformance with the Americans With Disabilities Act as it concerns service animals. I appreciate your consideration of the bill and will be prepared to testify. Thank you. Mark

# Assembly Bill 332

## RELATING TO THE FULL AND EQUAL ENJOYMENT OF A PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT BY A PERSON WITH A DISABILITY WHO IS ACCOMPANIED BY A SERVICE ANIMAL.

- This bill **conforms current law to federal regulations** by extending the Public Accommodations Law to cover **any** type of service animal, not just guide dogs, and by eliminating the requirements that a guide dog accompanying a person with a disability must wear a harness or leash and special cape and that the person with a disability who is accompanied by a guide dog must present credentials issued by a guide dog training school.
- **Passed the Assembly Public Health Committee: 7-0.**
- **Passed the Assembly on January 20<sup>th</sup> (voice vote).**
- Fiscal notes: DWD will need to reprint informational brochures which will cost an estimated \$1000 GPR. This can be absorbed within the agency's budget.

# History of Assembly Bill 332

## ASSEMBLY BILL 332

An Act to repeal 174.056 (title), 174.056 (1) (a), 174.056 (1) (b) and 174.056 (2); to renumber and amend 174.056 (1) (intro.); to amend 346.26 (1) and 346.26 (2); and to create 106.52 (1) (fm), 106.52 (3) (am) 2., 106.52 (3) (am) 3. and 106.52 (3) (am) 4. of the statutes; relating to: the full and equal enjoyment of a public place of accommodation or amusement by a person with a disability who is accompanied by a service animal. (FE)

2003

- 05-13. A. Introduced by Representatives Miller, Berceau, Sherman, Boyle, Hines, Albers, Balow, McCormick, Plouff, Gielow and Van Roy; cosponsored by Senators Robson, Carpenter, Risser and Wirch, by request of Wisconsin Academy of Graduate Service Dogs, Incorporated and Wisconsin Council of the Blind.
- 05-13. A. Read first time and referred to committee on Public Health ..... 204
- 05-14. A. Fiscal estimate received.
- 05-21. A. Fiscal estimate received.
- 09-10. A. Public hearing held.
- 10-08. A. Executive action taken.
- 10-15. A. Report passage recommended by committee on Public Health, Ayes 7, Noes 0 ..... 430
- 10-15. A. Referred to committee on Rules ..... 430
- 11-06. A. Placed on calendar 11-13-2003 by committee on Rules.

2004

- 01-20. A. Read a second time ..... 627
- 01-20. A. Ordered to a third reading ..... 627
- 01-20. A. Rules suspended ..... 627
- 01-20. A. Read a third time and passed ..... 627
- 01-20. A. Ordered immediately messaged ..... 627
- 01-21. S. Received from Assembly ..... 563
- 01-21. S. Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care ..... 564

Search for another history

**Legislation**

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# WAGS. INC.

1338 DEWEY CT. • MADISON, WI 53703 • (608) 250-WAGS (9247)  
e-mail: info@wags.net • website: www.wags.net

February 11, 2004

Service Animal Bill, Assembly Bill 332, assures compliance of State law with ADA law, providing and protecting the rights of persons with disabilities who use service dogs, and/or other service animals who provide assistance to them, in public places of accommodation.

This is important because it sends a clear and consistent message to all people in the state as to exactly what rights the law provides and protects.

It is also important because it sends a clear and consistent message to all people in the state as to exactly what protocol and procedures must be followed to provide for service dog teams in public, and what the consequences are for not following the law.

It is also important that Wisconsin State Law continue to extend these same rights to trainers of service dogs, who have identified their dogs as dogs in training with a training school, with a vest and identification card. It is critical to the successful socialization of a well-trained service dog to have public experience before the dog is placed with a person with a disability.

More and more persons with disabilities are finding service dogs to be a useful, efficient, friendly, safe, and reliable approach to furthering their ability to negotiate the public domain with dignity and independence.

As more service dogs are trained and placed, it is important that the State of Wisconsin is clear in its compliance with the ADA law. This is less confusing for business, the public, and users of service dogs. It makes education of the public, from kindergarten students, to business owners, to concerned citizens, an easier task to accomplish.

The Wisconsin Academy for Graduate Service Dogs reaches up to 10,000 people each year in outreach services. We clearly state the ADA regulations regarding service animals in public, in order to educate the public, which helps our clients more easily negotiate public settings without harassment, discomfort, or embarrassment. It would be wonderful to be able to state with confidence that our state laws are in complete compliance in regard to all rights and responsibilities.

It has been my experience with clients of our agency that they are met with confusion about their ability to have their service dogs accompany them into public places, especially in smaller towns. It would be my great hope that with this law, and more education, we could make the doors of independence greet all service dog teams with understanding and open arms.

Carla Smith Coleman  
Executive Director  
Wisconsin Academy for Graduate Service Dogs



WISCONSIN ACADEMY FOR GRADUATE SERVICE DOGS, INC.

# Vote Record

## Committee on Health, Children, Families, Aging and Long Term Care

Date: 2/12

Moved by: CR

Seconded by: Corp.

AB  
332

AB \_\_\_\_\_

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

*Passage*

A/S Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement  
 Introduction       Rejection       Tabling       Nonconcurrence

Committee Member

Senator Carol Roessler, Chair

Senator Ted Kanavas

Senator Ronald Brown

Senator Robert Welch

Senator Dale Schultz

Senator Judith Robson

Senator Charles Chvala

Senator Robert Jauch

Senator Tim Carpenter

Aye      No      Absent      Not Voting

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Totals: 9      0      \_\_\_\_\_      \_\_\_\_\_

Motion Carried

Motion Failed

2-12-01  
HealthTeam

## AB 332

Rep. Miller

- learned that a service animal can be more than a seeing eye dog.
- They help people with disabilities to complete tasks (light switches, on/off etc.).

Pat Bulmont - Badger Assoc. of the Blind

- Uses a guide dog (she is blind)
- Supports bill

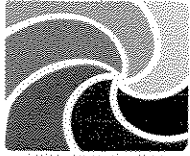
Rosemary Goodrich - Badger Assoc. of the Blind

- Uses a guide dog
- Supports bill
- Bill will put state law in line with federal law.

Carla Coleman

- Trains service dogs
- important to extend rights to training dogs - as long as wearing a vest to indicate they are training.
- Important that training dogs have public exposure.

Bill does include



# Badger Association

of the Blind and Visually Impaired, Inc.

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February 12, 2004

The Honorable Senator Carol A. Roessler  
Chair  
Committee on Health, Children, Families, Aging and Long Term Care

Dear Senator Roessler,

The Badger Association of the Blind and Visually Impaired would like to thank the Committee on Health, Children, Families, Aging, and Long Term Care for their earnest consideration of Assembly Bill 332. The Association firmly supports this bill, and encourages the committee to adopt it with expedience.

The Badger Association is pleased to send Pat Beaumont, Rosy Goodrich, and Jacob Hall to voice our support for the measure. We are eager to answer any questions you may have, so please feel at liberty to contact us at your convenience.

Sincerely,

Patrick Brown  
Executive Director

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912 North Hawley Road • Milwaukee, Wisconsin 53213

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# REPRESENTATIVE MARK MILLER

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## SENATE COMMITTEE ON HEALTH, CHILDREN, FAMILIES, AGING AND LONG TERM CARE ASSEMBLY BILL 332 TESTIMONY FEBRUARY 12, 2004

Under current law, a public place must accommodate a blind, deaf, or mobility-impaired person being led by a dog specifically trained or being trained to lead blind or deaf person or to provide support for mobility impaired persons, or a trainer accompanied by a guide dog. This accommodation requires that the dog wears a harness or leash and a special cape, and that the person has presented for inspection credentials issued by a school for training guide dogs.

Assembly Bill 332 conforms this current law to federal regulations promulgated under the Americans with Disabilities Act. These regulations require public places to permit the use of any service animal and eliminate the requirement that a service animal must wear a harness or leash and a special cape and that the person with a disability must present credentials for their service animal.

The United State Department of Justice publication of frequently asked questions regarding service animals asks: "My county health department has told me that only a seeing eye or guide dog has to be admitted. If I follow those regulations, am I violating the ADA?" The answer to this question is yes. The ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations. This question highlights the need for this legislation.

Wisconsin's current law is a potential source for confrontation and confusion, with the victims being both persons with disabilities and the owners of public venues. A business man or woman looking to state law for guidance might refuse entrance to a patron with a service animal because the animal is not wearing a harness or the patron cannot present credentials for the animal. In this situation, the patron has been refused a service they are fully entitled to. We must change state law so that it will not mislead business owners in such a way as to prohibit citizens from their ability to enjoy public places. Furthermore, we must prevent an honest business looking toward state laws as a guide from becoming involved in a civil suit for unknowingly violating federal law.

Some business owners have expressed concern regarding the provision for service animal trainers in this bill. Under current law, service animal trainers are given the same protection as persons with disabilities. The animals must be in a cape and the trainer must provide credentials. This bill makes absolutely no change to current law regarding

trainers. Earlier drafts loosened the law on training but this was removed at the request of trainers to assure quality control and prevent abuse of the law by imitating trainers.

Persons with disabilities and businesses providing public accommodation should not face conflicting information from state and federal government. This bill is simple and straightforward. It changes the law pertaining to persons with disabilities so that it is in line with the Americans with Disabilities Act. It makes no changes to the law regarding service animal trainers. This bill has strong bipartisan support in the capitol as well as strong organizational support. The Wisconsin Academy of Graduate Service Dogs provided a wealth of information to help in drafting this bill.

Other organizations supporting this bill include: Wisconsin Council of the Blind, Badger Association of the Blind and Visually Impaired, Midwest Association for the Blind, Alumni Association of the WI School for the Visually handicapped, Randolph Sheppard Vendors Association of Wisconsin Legislature, Wisconsin Coalition for Advocacy, Disability Advocates Resources, Access to Independence, Wisconsin Coalition of Independent Living, Department of Workforce Development, Wisconsin Division of Vocational Rehabilitation and Wisconsin First Step.

Thank you for your consideration.

*OK says says yes*

**Halbur, Jennifer**

**From:** Kuhn, Jamie  
**Sent:** Tuesday, March 02, 2004 2:02 PM  
**To:** Halbur, Jennifer  
**Subject:** AB 332: Service Animal Bill

*AB 332*

Jennifer,

We would like to send another letter to Senator Panzer on scheduling this bill for the floor.

Do you think Senator Roessler would be will to sign on to a joint letter encouraging her to schedule it?

Just want to make one last push before next week because it did not get put on this weeks calendar.

Thanks.

Jamie

Jamie S. Kuhn  
Office of Rep. Mark Miller  
State Capitol  
Room 112 North  
P.O. Box 8953  
Madison, WI 53708-8953  
Phone 608/266-5342  
Fax 608/282-3648



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

March 8, 2004

The Honorable Mary Panzer  
State Capitol  
211 South  
Madison, WI 53707

Dear Senate Majority Leader Panzer:

We are writing to request that the Senate Organization Committee schedule Assembly Bill 332, relating to the full and equal enjoyment of a public place of accommodation by a person with a disability who is accompanied by a service animal, for vote this week in the Senate.

We believe the passage of AB 332 is important for Wisconsin to ensure people with disabilities can lead life without unwanted burdens beyond their disability. While most people are aware of the use for "seeing eye dogs" or "guide dogs," many do not realize the importance or necessity of other service animals that are given the same protection under federal law.

This bill brings Wisconsin in line with federal measures such as the Americans with Disabilities Act. Persons with disability will be given protection from being asked in a public setting to identify and even prove their disability. This bill also recognizes that dogs are no longer the only animals used to provide important services to the disabled. Other individually trained animals now aid in performing tasks for the benefit of a person with a disability including the work or task of alerting a person with impaired hearing to intruders or sound, providing animal protection or rescue work, pulling a wheel chair, or fetching dropped items.

AB 332 will serve as an aid to persons with disabilities and business owners, clearing up the confusion between differing state and federal laws. We ask that you schedule this bill for the last Senate floor session.


Thank you for your dedication to persons with disabilities.

Sincerely,


Mark Miller  
State Representative  
48<sup>th</sup> Assembly District

Carol Roessler  
State Senate  
18<sup>th</sup> Senate District


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AB332 


Under current law, a public place of accommodation or amusement (public accommodation) may not refuse to permit entrance into, or use of, the public accommodation by a blind, deaf, or mobility-impaired person because that person is being led by a dog specially trained, or being specially trained, to lead blind or deaf persons or to provide support for mobility-impaired persons (guide dog), or to the trainer of a guide dog because the trainer is accompanied by a guide dog, if the guide dog is wearing a harness or leash and special cape and if the person has presented, for inspection, credentials issued by a school for training guide dogs.

AB332 


Current federal regulations promulgated under the American with Disabilities Act, however, require a public accommodation to modify its policies, practices, or procedures to permit the use of any service animal by a person with a disability in a public accommodation. Those regulations define a "service animal" as a guide dog, signal dog, or other animal that is individually trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

AB332 

This bill conforms current law to those federal regulations by extending the Public Accommodations Law to cover any type of service animal, not just guide dogs, and by eliminating the requirements that a guide dog accompanying a person with a disability must wear a harness or leash and special cape and that the person with a disability who is accompanied by a guide dog must present credentials issued by a guide dog training school.


AB332 

Specifically, the bill prohibits a public accommodation from refusing to permit entrance into, or use of, or from otherwise denying the full and equal enjoyment of the public accommodation to a person with a disability or to a service animal trainer because he or she is accompanied by a service animal, from charging a person with a disability or a service animal trainer a higher price than the regular rate, including a deposit or surcharge, for the full and equal enjoyment of the public accommodation because he or she is accompanied by a service animal, and from communicating that entrance into, or use of, or the full and equal enjoyment of the public accommodation will be denied to a person with a disability or a service animal trainer because he or she is accompanied by a service animal or that the patronage of such a person is unwelcome, objectionable, or unacceptable because he or she is accompanied by a service animal.


AB332 

The bill applies to a service animal trainer only if the animal accompanying the service animal trainer is wearing a harness or a leash and special cape. Also, the bill does not prohibit a person who is accompanied by an animal from being asked

whether the animal is a service animal that is required because of a disability or is an animal that is being trained to be a service animal and does not prohibit a service animal trainer from being required to produce a certification or other credential issued by a school for training service animals that the animal is being trained to be a service animal. The bill does, however, prohibit a person with a disability from being asked to produce documentation of his or her disability or a certification or other credential that the animal is trained as or is being trained to be a service animal.

AB332 

The bill permits a service animal to be excluded from a public accommodation if accommodation of the service animal would result in a fundamental alteration in the nature of the accommodations, amusement, goods, or services provided or would jeopardize the safe operation of the public accommodation.

AB332 

Finally, the bill requires a public accommodation to modify its policies, practices, and procedures to permit the full and equal enjoyment of the public accommodation by a person with a disability or a service animal trainer who is accompanied by a service animal. The bill requires those policies, practices, and procedures to ensure that a person with a disability or the service animal trainer who is accompanied by a service animal is not separated from the service animal, that the service animal is permitted to accompany the person with a disability or the service animal trainer to all areas of the public accommodation that are open to the general public, and that the person with a disability or the service animal trainer is not segregated from other patrons of the public accommodation.