

**1999 HOUSE NATURAL RESOURCES**

**HB 1122**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1122

House Natural Resources Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
2		X	
Committee Clerk Signature <i>Robin G. Armae</i>			

Minutes: A BILL FOR AN ACT TO AMEND AND REENACT SECTIONS 54-44.8-06 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ADMINISTRATION OF THE PROGRAM FOR TELECOMMUNICATIONS SERVICES OR COMMUNICATIONS IMPAIRED PERSONS.

REPRESENTATIVE GROSZ: Presents the amendment

REPRESENTATIVE DEKREY: Moves the amendment.

REPRESENTATIVE PORTER: Seconds the motion.

Roll Call: Amendment adopted by unanimous Yeas

REPRESENTATIVE NOTTESTAD: Moves to Do Pass HB 1122 as amended.

REPRESENTATIVE HENEGAR: Seconds the motion.

Roll Call: 12 Yeas, 0 Nays, 3 Absent

Carried to the House floor by Representative Martinson.

## FISCAL NOTE

Return original and 14 copies)

Bill / Resolution No.: \_\_\_\_\_

Amendment to: HB1122

Requested by Legislative Council

Date of Request: 02/04/99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

The amendment to HB1122 adds mobility impaired individuals to the definition of "communications impaired", which may increase demand for telecommunications equipment under this program. It also adds the definition of disadvantaged which may reduce the number of individuals qualified to receive telecommunications equipment under this program. Based on conversations with other states and the contracted vendor, the program administrator believes the net effect of these changes will be budget neutral.

2. State fiscal effect in dollar amounts:

	1997-1999 Biennium		1999-2001 Biennium		2001-2003 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:						
Expenditures:	-0-		-0-		-0-	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1997-99 biennium:	-0-
b. For the 1999-01 biennium:	-0-
c. For the 2001-03 biennium:	-0-

4. County, City, and School District fiscal effect in dollar amounts:

	1997-1999 Biennium			1999-2001 Biennium			2001-2003 Biennium		
	Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
	-0-			-0-			-0-		

If additional space is needed,  
attach a supplemental sheet.

Signed

*Brenda M. Weisz*

Typed Name

Brenda M. Weisz

Date Prepared: February 9, 1999

Department

Human Services

Phone No.

328-2397

VH  
2/3/99  
10/2

House AMENDMENTS TO HOUSE BILL NO. 1122 HNR 2/3/99

Page 1, line 1, after "sections" insert "54-44.8-01," and after "54-44.8-03" insert a comma

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-44.8-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.8-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the individual employed by the division to oversee administration of the program.
2. "Commission" means the public service commission.
3. "Communications impaired" means the condition of an individual who is deaf, hearing impaired, or speech impaired, or mobility impaired so as to be unable to use a telephone readily purchased from a retail store.
4. "Disadvantaged" means residing in a household that has a median income not more than the applicable median income in this state, except the term includes residing in a household that has a median income not more than one hundred fifty percent of the applicable median income in this state if the resident is deaf.
5. "Division" means the information services division of the office of management and budget.
- ~~5-~~ 6. "Local exchange company" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.
- ~~6-~~ 7. "Program" means the program established under section 54-44.8-03.
- ~~7-~~ 8. "Radio communications access" means the radio access between a customer of a radio communications service provider and the provider.
- ~~8-~~ 9. "Radio communications service provider" means a telecommunications company that provides radio communication service or cellular service to members of the general public who are its customers.
- ~~9-~~ 10. "Specialized telecommunications equipment" means a device that, when connected to a telephone, enables or assists a person who is communications impaired to communicate with another person utilizing the telephone network. The term may include telecommunications devices for the deaf, amplifiers, and signaling devices.
- ~~10-~~ 11. "Telecommunications relay service" means a statewide service through which a communications-impaired individual, using specialized telecommunications equipment, may send and receive messages to and from a noncommunications-impaired individual whose telephone is not equipped with specialized telecommunications equipment and through

2062

which a noncommunications-impaired individual, by using voice communication, may send and receive messages to and from a communications-impaired individual.

- 44. 12. "Telephone access line" means the facilities between a serving central office and the customer of a local exchange company which are required to provide access to the local and toll network."

Renumber accordingly

Date 1-28-99

Please type or use black pen to complete

Roll call vote # \_\_\_\_\_

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1177

House Natural Resources Committee

Subcommittee on \_\_\_\_\_

Conference Committee

} Identify or check where appropriate

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

Action Taken No Pass on Amendment HB 1177 as amended

Motion Made By Rep. Votterstad Seconded By Rep. Henegari

Representatives	Yes	No	Representatives	Yes	No
<u>Mick Spoz</u>	<u>✓</u>		<u>Norwan Solberg</u>		
<u>Bob Henegari</u>	<u>x</u>				
<u>Byron Clark</u>					
<u>Muane DeGray</u>	<u>x</u>				
<u>David Swidel</u>	<u>x</u>				
<u>Pat Holman</u>	<u>x</u>				
<u>Jon Martinson</u>	<u>x</u>				
<u>Jon Nelson</u>	<u>x</u>				
<u>Warrell Votterstad</u>	<u>x</u>				
<u>Edo Forster</u>	<u>x</u>				
<u>Lyle Hanson</u>	<u>x</u>				
<u>Scott Kelsch</u>					
<u>Del Lundgren</u>	<u>x</u>				
<u>Sally Sandberg</u>	<u>x</u>				

Total 12 0 0  
(Yes) (No) <sup>000</sup>

Absent 3

Floor Assignment Representative Solberg, Martinson

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

**REPORT OF STANDING COMMITTEE**

HB 1122: Natural Resources Committee (Rep. Grosz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1122 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "54-44.8-01," and after "54-44.8-03" insert a comma

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-44.8-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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- ~~10.~~ 11. "Telecommunications relay service" means a statewide service through which a communications-impaired individual, using specialized telecommunications equipment, may send and receive messages to and from a noncommunications-impaired individual whose telephone is not

equipped with specialized telecommunications equipment and through which a noncommunications-impaired individual, by using voice communication, may send and receive messages to and from a communications-impaired individual.

- ~~11.~~ 12. "Telephone access line" means the facilities between a serving central office and the customer of a local exchange company which are required to provide access to the local and toll network."

Renumber accordingly



**1999 SENATE HUMAN SERVICES**

**HB 1122**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1122

Senate Human Services Committee

Conference Committee

Hearing Date MARCH 2, 1999

Tape Number	Side A	Side B	Meter #
1		X	1,625
2	X		
Committee Clerk Signature <i>Barol Kolodziejchuk</i>			

Minutes:

The hearing was opened on HB1122.

WANDA GIER, Dept of Human Services, explained the bill with written testimony. SENATOR DEMERS asked what determined the median income. MS. GIER replied that it was a Federal Register that a family of 4 other than deaf was \$46,921; \$70,381 if a person is deaf. SENATOR THANE asked for an example of equipment that would be activated by head movement and the cost. MS. GIER replied there are a wide variety of equipment with just an arm sticking out to be touched by the head. The cost when conferring with other states was less than 10% of their budget. SENATOR KILZER asked how are you going to manage without any funding. MS. GIER: The money that we do have is not covering it as we have a waiting list. We are trying to furnish equipment to the most needy. SENATOR DEMERS: Do you recycle equipment? MS. GIER: Yes, if it is of value. We need to have a loaner library available.

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Senate Human Services Committee

Bill/Resolution Number HB1122

Hearing Date MARCH 2, 1999

Testimony was passed out from MARK HILL, ND Assoc. for Deaf, who was unable to be here.

Testimony was received via FAX from VICKI SCHLENKER, Freedom Resource Center.

JIM HECK, Information Service, supports bill. This division provides funding for this service.

The American Disabilities Act created a title that required a relay service to be established in

each state. This service allows a communications person to communicate with a

non-communications person. We have the authority to put a surcharge on every telephone line

and if you look at you bill you will see 4 cents that goes for this service. We have the authority

to put on up to 11 cents in the legislation for a relay surcharge. Our budget is submitted to the

Public Service Commission. Part of the funding goes to Sprint operated out of Kansas. That

costs us about \$21,000-\$23,000. The other part of the funding income is for equipment

distribution program. It is about \$32,000 each year.

The hearing on HB1122 was closed.

Discussion was held on the bill. SENATOR LEE moved a DO PASS. SENATOR KILZER

seconded it. Roll call was left open for two Senators on testimony calls.

SENATOR DEMERS asked for the bill to be reconsidered. SENATOR LEE called the bill back.

SENATOR KILZER seconded it. Actions of the bill were reconsidered. Voice vote carried.

SENATOR DEMERS moved to delete "or" on page 1, line 13 to make it grammatically correct.

SENATOR LEE seconded it. Roll call vote carried 6-0-0. SENATOR LEE moved a DO PASS

AS AMENDED on HB1122. SENATOR KILZER seconded it. Roll call vote carried 6-0-0.

SENATOR LEE will carry the bill.

Date: 3/2/99  
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1122

Senate HUMAN SERVICES COMMITTEE Committee

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

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

Action Taken Do Pass

Motion Made By Sen Lee Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer					
Senator Lee	✓				
Senator DeMers					
Senator Mutzenberger	✓				

Total \_\_\_\_\_ (yes) \_\_\_\_\_ (no)

Absent \_\_\_\_\_

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

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

Recalled by voice vote!

Date: 3/2/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1122

Senate HUMAN SERVICES COMMITTEE Committee

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

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

Action Taken Amendment

Motion Made By Sen De Mers Seconded By Sen Lee

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

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

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

Delete on page 1 line 13

Date: 3/2/99  
Roll Call Vote #: 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1122

Senate HUMAN SERVICES COMMITTEE Committee

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

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

Action Taken Do Pass as Amended

Motion Made By Sen Lee Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen Lee

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

REPORT OF STANDING COMMITTEE

HB 1122, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1122 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "or"

Renumber accordingly

**1999 TESTIMONY**

**HB 1122**



**Testimony  
House Bill No. 1122  
Natural Resources Committee  
January 14, 1999**

**Chairman Grosz and members of the Natural Resources Committee. My name is Marlowe Kro, Program Administrator, Aging Services Division, ND Department of Human Services (DHS). I appear before you today in support of the proposed amendment to House Bill 1122.**

**The Telecommunications Equipment Distribution Program (TEDP) is a program to provide telephone equipment for those who are deaf, hearing impaired, and speech impaired. The DHS, Division of Vocational Rehabilitation, developed TEDP through a "services to groups" program in 1993. "Services to groups" program was intended to be a short term program.**

**In 1993, virtually all telephone equipment needs did go to the deaf population. Today over 80% is for the hearing impaired (those needing amplification systems). In 1993 the majority of persons receiving equipment through TEDP were younger individuals. Today, over 80% of those receiving equipment through TEDP are elderly (over age 65 years).**

**The Office of Vocational Rehabilitation's focus in accordance with federal regulations require client's primary service need be employment related. Because there has been a change in population served, the DHS requests House Bill 1122 amend the use of the term "vocational rehabilitation division" to "department of human services". The change to department of human services gives the DHS better ability to consider appropriate target population utilization and justification of TEDP equipment. When current statistics identify over 80% of the TEDP recipients are elderly, other divisions of the DHS, such as the Aging Services Division will need to be actively included in DHS future planning and utilization of the TEDP program.**



TO: Wanda Gier, ND VR  
FROM: Vicki Schlenker, Freedom Resource Center  
RE: TEDP proposed legislation - House Bill 1122  
DATE: March 1, 1999

*Vicki Schlenker*

In regards to the proposed legislation for the Telecommunications Equipment Distribution Program (TEDP), I am in strong support of incorporating income guidelines into the program. The current contract's funding (\$321,127 for two years) was depleted after 12 months; a waiting list has been created in the meantime. The funds could be utilized better if only those individuals who are not financially able to purchase their own equipment are served with the program. The median income guidelines are calculated using figures from the Federal Register, which I just updated for 1999-2000. Median income, by definition, is the midpoint income level encountered in the state. Those people who have incomes at or below the median would qualify for the program. In essence, the population on the lower half of the income scale would be served. If you look at the numbers, they are fairly liberal - a one person household can have income of up to \$24,399. Approximately one-half of the states in the union who have a similar program do incorporate income guidelines; measures used include estimated median income, federal poverty guidelines, and 200% of federal poverty guidelines. In summary, adding income requirements to the program will allow the state (and in turn, the contractor) to make the best utilization of funds possible.

**Phone:**

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218-236-0459  
1-800-450-0459

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P.O. Box 8192  
Fargo, ND  
58109-8192

3505 S. 8th Street  
Suite 7  
Moorhead, MN  
56560-5108

✓  
  
Mark Hill, Registered Lobbyist (#471) and Representative  
North Dakota Association of the Deaf  
1617 2nd Street North  
Fargo, ND 58102

March 2, 1999

Re: HB#1122

Senator Trane, Chairman, and members of the Senate Human Service Committee

I was not able to testify today on the behalf of North Dakota Association of the Deaf regarding the House Bill #1122 - Telecommunications bill.

We, the North Dakota Association of the Deaf, understand why the Department of Human Services wants to see the telecommunications for the deaf bill being amended to the current law after talking to the state office of Vocational Rehabilitation staff and conditionally support the bill as long as the disadvantage amendment to be remained as it is.

In fact, an old quote was said many times in our inner circle, "it is expensive to be deaf" by paying for a flashing or vibrating alarm clock, a flashing smoke alarms, flashing light signalers, TTY (telecommunication device for the deaf) and an interpreter where it is applicable that are very costly in comparison with hearing counterparts. Many of us can not really afford all of those things. Therefore the disadvantage definition of the bill is properly one in our opinion.

Please vote "do pass" recommendation without any changes on the House Bill#1122.

Thanks

Mark Hill  
Registered Lobbyist #471

HB 1122

Testimony of Wanda Gier

Senate - Human Services Committee

March 2, 1999

Mr. Chairman and members of the Human Services Committee. My name is Wanda Gier, Program Administrator, Vocational Rehabilitation, ND Department of Human Services. I appear before you today in support of House Bill no. 1122.

The Telecommunications Equipment Distribution Program is a program to provide telephone equipment for those who are deaf, hearing impaired, or speech impaired. Vocational Rehabilitation developed this program in 1993 through a time limited "service to groups" program.

There are four changes being requested in this bill and the Office of Vocational Rehabilitation supports the bill and all four changes.

First, in accordance with federal regulations, VR's primary service needs to focus on employment related services. Initially, almost all services went to the deaf community and to those of working age. Today, over 80% of the equipment distributed is for people who are hearing impaired and the majority

of these individuals are elderly. Due to the change in population served, the change from Vocational Rehabilitation to Department of Human Services will give us the opportunity to look at other department support in the future. Ageing Services will be actively involved in future planning and utilization of the Telecommunications Equipment Distribution Program.

The second change would include adding individuals who have mobility impairments to the definition of eligible applicants. We had a request from a person who had a brain injury and only the movement of his head. He was asking for a device which would be activated by the movement of his head. Because of the present eligibility requirements, he could not be helped. We have also received calls from those who have arthritis or Parkinson Disease who cannot pick up the phone and would benefit from a speaker phone. The addition of mobility impaired to the definition of those eligible for services will provide a better assurance that we are serving all who may benefit from this program.

During the past contract period, the Independent Living Centers have provided this service statewide. They are not asking for additional funding, they are asking for a way to make the existing funds last a little longer. The definition of financially "disadvantaged" would provide this opportunity. This definition would provide equipment at no charge to those that fall at or below the

established federal guidelines of North Dakota median income. The level for someone who is deaf would be at 150% of the median income.

The final change being submitted is the definition of a telephone. For the purpose of this program, a definition of a telephone will clarify any questions that might arise as the actual telephone and telephone lines are the responsibilities of the applicant. We support the change to include a definition of a telephone as "readily purchased from a retail store."

Thank you for the opportunity to present this information.