2015 HOUSE HUMAN SERVICES

HB 1108

2015 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1108
1/7/2015
Job # 21730 (starts at 24:57)

☐ Subcommittee
☐ Conference Committee

Vicky Crabtree

Explanation or reason for introduction of bill/resolution:

Relating to changing "developmentally disabled persons" to individual with developmental disability or disabilities.

Minutes: Testimony #1 attached

Chairman Weisz called the hearing on HB 1108 to order.

Tina Bay: Director of Developmental Disabilities Division of the DHS testified in support of the bill. (See Testimony #1)

(27:39)
Rep. Oversen: On page 15 there is a definition for group home. I assume that is just adding it to that section where it wasn't before.

Bay: I believe that is correct.

No Opposition

Chairman Weisz closed the hearing.

Chairman Weisz: Committee, we will take up this one.

Rep. Overson: I move a Do Pass on HB 1108.

Rep. Fehr: Second.

ROLL CALL VOTE: 13 yes, 0 no, 0 absent

MOTION CARRIED

Bill Carrier: Rep. Oversen

Date: 1-7-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1108

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Oversen Seconded By Rep. Fehr

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	✓		Rep. Mooney	✓	
Vice-Chair Hofstad	✓		Rep. Muscha	✓	
Rep. Bert Anderson	✓		Rep. Oversen	✓	
Rep. Dick Anderson	✓				
Rep. Rich S. Becker	✓				
Rep. Damschen	✓				
Rep. Fehr	✓				
Rep. Kiefert	✓				
Rep. Porter	✓				
Rep. Seibel	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Oversen

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

REPORT OF STANDING COMMITTEE

HB 1108: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Eleventh order on the calendar.

2015 SENATE HUMAN SERVICES

HB 1108

2015 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1108
3/17/2015
24597

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Donald Mueller

Explanation or reason for introduction of bill/resolution:

A bill relating to changing statutory references to "developmentally disabled persons" to "individual with a developmental disability" or "individuals with developmental disabilities".

Minutes: Attach #1: Testimony by Tina Bay

Tina Bay, Director of the Developmental Disabilities Division for the Department of Human Services introduced HB 1108 (attach #1)(time ends 3:00)

Senator Warner asked if is this consistent with change in federal legislation.

Ms. Bay stated not 100% sure if there are any federal legislation to have people listed first. This follows what other entities are doing.

Senator Howard Anderson, Jr. asked what are we accomplishing by this other than changing terminology. Are they eligible for more services?

Ms. Bay indicated it is just a terminology change.

Chairman Judy Lee offered her opinion is that it is a respectful thing to do. We are trying to do person first language. It doesn't harm anything in doing.

Senator Dever section 30, page 16, line 18, which profession is it referring to? It was answered that it is the Nurse Practice act.

Chairman Judy Lee it is changing the terminology to person first. **Ms. Bay** confirmed.

Senator Dever doesn't know how many conversations where he has first person terminology. He discussed disabled veterans terminology.

Ms. Bay is not aware of any conversation to this.

Senator Dever we have language in constitution that referred to retarded persons. **Chairman Judy Lee** indicated a lot of that language has changed. **Senator Dever**

indicated the word "moron" was the initial language. There was also a short discussion regarding the definition of ARC. **Linda Wurtz**, President of ARC, stated the definition used to the the Association for Retarded Citizens, but we do not refer to that definition any longer. We have kept the ARC brand name because it carries the reputation. So today, we are just ARC.

OPPOSITION to HB 1108
No opposing testimony

NEUTRAL TO HB 1108
No neutral testimony

Closed Public Hearing.

Senator Dever moved the Senate Human Services Committee DO PASS HB 1108. The motion was seconded by **V. Chairman Oley Larsen**. No discussion.

Roll Call Vote
6 Yes, 0 No, 0 Absent. Motion passes.

Senator Axness will carry HB 1108 to the floor.

Date: 03/17 2015
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1108

Senate Human Services Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Dever Seconded By Sen. Larsen

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee (Chairman)	✓		Senator Tyler Axness	✓	
Senator Oley Larsen (V-Chair)	✓		Senator John M. Warner	✓	
Senator Howard C. Anderson, Jr.	✓				
Senator Dick Dever	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Axness

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

REPORT OF STANDING COMMITTEE

HB 1108: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1108

#1

Testimony
House Bill 1108 – Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
January 7, 2015

Chairman Weisz, and members of the House Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities Division of the Department of Human Services (Department). I am here today in support of House Bill 1108, which was introduced at the request of the Department.

This bill proposes to amend language in the North Dakota Century Code (N.D.C.C.) to reflect appropriate people-first language. It also proposes to amend section 25-16-03, relating to requirements for licensing treatment or care centers for individuals with disabilities.

Sensitivity for individuals with disabilities begins with people-first language. Generally, in choosing words about individuals with disabilities, the guiding principle is to refer to the individual first, not the disability. Instead of saying "the disabled," it is preferable to say "individuals with disabilities." Changes proposed in this bill support this principle.

The Department also proposes changing the word "person" to "individual" in multiple sections. N.D.C.C. section 1-01-49 defines "individual" as a human being and "person" as an individual, organization, government, political subdivision, or government agency, or instrumentality. To be consistent with section 1-01-49, where the context for the term meant "a human being," this bill proposes to substitute the word "individual."

Subsection 3 of N.D.C.C. section 25-16-03 requires the Department to issue a license for the operation of a treatment or care center for individuals with developmental disabilities upon showing that the health, morality, safety, and well-being of the residents cared for and treated in the center will be properly safeguarded. On page 12, line 5, the Department is requesting removal of the word "morality" because "properly safeguarding" morality is not an appropriate function of licensing. Morality is an individual choice; not the responsibility of a facility that may affect whether a license is issued.

This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.

Attach #1
HB 1108
03/17/2015
J# 24597

Testimony
House Bill 1108 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
March 17, 2015

Madam Chairman, members of the Senate Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities Division of the Department of Human Services (Department). I am here today in support of House Bill 1108, which was introduced at the request of the Department.

This bill proposes to amend language in the North Dakota Century Code (N.D.C.C.) to reflect appropriate people-first language. It also proposes to amend section 25-16-03, relating to requirements for licensing treatment or care centers for individuals with disabilities.

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This concludes my testimony. I would be happy to answer any questions the committee may have. Thank you.