

2025 HOUSE HUMAN SERVICES

HB 1097

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE PIONEER ROOM, STATE CAPITOL

HB 1097
1/14/2025

Provide for a legislative management study regarding accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences

2:59 p.m. Chairman M. Ruby called the meeting to order.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Members absent: Representative Dobervich

Discussion Topics:

- Definitions for deaf, hard of hearing, and hearing differences
- Technologies available
- A study instead of a bill

2:59 p.m. Representative Kathy Frelich, District 15 and North Dakota School for the Deaf, testified in favor, and provided testimony, #28841 and #28355

Additional written testimony:

Pam Smith, Retired Adult Outreach Coordinator at the North Dakota School for the deaf, submitted testimony in support, #28855.

David Zimmerman, Minot resident, submitted testimony in support, #28856.

Mike Chaussee, ND Assistive, submitted testimony in support, #28958.

Donn Sorenson, Superintendant of the ND School for the Deaf/Resource Center, submitted testimony in support, #28959.

Kaytlyn Johnson, Seattle Washington, submitted testimony in support, #28988.

3:14 p.m. Chairman Ruby closed the hearing.

Jackson Toman, Committee Clerk



ADA Requirements

Effective Communication

Overview

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

People who have vision, hearing, or speech disabilities (“communication disabilities”) use different ways to communicate. For example, people who are blind may give and receive information audibly rather than in writing and people who are deaf may give and receive information through writing or sign language rather than through speech.

The ADA requires that title II entities (State and local governments) and title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities.

This publication is designed to help title II and title III entities (“covered entities”) understand how the rules for effective communication, including rules that went into effect on March 15, 2011, apply to them.

- The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the covered entity.
- Covered entities must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities.
- The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication.

- The rules apply to communicating with the person who is receiving the covered entity's goods or services as well as with that person's parent, spouse, or companion in appropriate circumstances.

Auxiliary Aids and Services

The ADA uses the term "auxiliary aids and services" ("aids and services") to refer to the ways to communicate with people who have communication disabilities.

- For people who are blind, have vision loss, or are deaf-blind, this includes providing a qualified reader; information in large print, Braille, or electronically for use with a computer screen-reading program; or an audio recording of printed information. A "qualified" reader means someone who is able to read effectively, accurately, and impartially, using any necessary specialized vocabulary.
- For people who are deaf, have hearing loss, or are deaf-blind, this includes providing a qualified notetaker; a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; written materials; or a printed script of a stock speech (such as given on a museum or historic house tour). A "qualified" interpreter means someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed

to convey information back to that person) using any necessary specialized vocabulary.

- For people who have speech disabilities, this may include providing a qualified speech-to-speech transliterator (a person trained to recognize unclear speech and repeat it clearly), especially if the person will be speaking at length, such as giving testimony in court, or just taking more time to communicate with someone who uses a communication board. In some situations, keeping paper and pencil on hand so the person can write out words that staff cannot understand or simply allowing more time to communicate with someone who uses a communication board or device may provide effective communication. Staff should always listen attentively and not be afraid or embarrassed to ask the person to repeat a word or phrase they do not understand.

In addition, aids and services include a wide variety of technologies including 1) assistive listening systems and devices; 2) open captioning, closed captioning, real-time captioning, and closed caption decoders and devices; 3) telephone handset amplifiers, hearing-aid compatible telephones, text telephones (TTYs), videophones, captioned telephones, and other voice, text, and video-based telecommunications products; 4) videotext displays; 5) screen reader software, magnification software, and optical readers; 6) video description and secondary auditory programming (SAP) devices that pick up video-described audio feeds for television programs; 7) accessibility features in electronic documents and other electronic

and information technology that is accessible (either independently or through assistive technology such as screen readers).

Real-time captioning (also known as computer-assisted real-time transcription, or CART) is a service similar to court reporting in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen. This service, which can be provided on-site or remotely, is particularly useful for people who are deaf or have hearing loss but do not use sign language.

The free nationwide **telecommunications relay service** (TRS), reached by calling 7-1-1, uses communications assistants (also called CAs or relay operators) who serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

Video remote interpreting (VRI) is a fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language or oral interpreting services for conversations between hearing people and people who are deaf or have hearing loss. The new regulations give covered entities the choice of using VRI or on-site interpreters in situations where either would be effective. VRI can be especially useful in rural areas where on-site interpreters may be difficult to obtain. Additionally, there may be some cost advantages in using VRI in certain circumstances. However, VRI will not be effective in all circumstances. For example, it will not be effective if the person who needs the interpreter has difficulty seeing the screen (either because of vision loss or because he or she cannot be properly positioned to see the screen, because of an injury or other condition). In these circumstances, an on-site interpreter may be required.

If VRI is chosen, **all** of the following specific performance standards must be met:

- real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- a sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the face, arms, hands, and fingers of the person using sign language, regardless of his or her body position;

- a clear, audible transmission of voices; and
- adequate staff training to ensure quick set-up and proper operation.

Effective Communication Provisions

Covered entities must provide aids and services when needed to communicate effectively with people who have communication disabilities.

The key to deciding what aid or service is needed to communicate **effectively** is to consider the nature, length, complexity, and context of the communication as well as the person's normal method(s) of communication.

Some easy solutions work in relatively simple and straightforward situations. For example:

- In a lunchroom or restaurant, reading the menu to a person who is blind allows that person to decide what dish to order.
- In a retail setting, pointing to product information or writing notes back and forth to answer simple questions about a product may allow a person who is deaf to decide whether to purchase the product.

Other solutions may be needed where the information being communicated is more extensive or complex. For example:

- In a law firm, providing an accessible electronic copy of a legal document that is being drafted for a client who is blind allows the client to read the draft at home using a computer screen-reading program.
- In a doctor's office, an interpreter generally will be needed for taking the medical history of a patient who uses sign language or for discussing a serious diagnosis and its treatment options.

A person's method(s) of communication are also key. For example, sign language interpreters are effective only for people who use sign language. Other methods of communication, such as those described above, are needed for people who may have lost their hearing later in life and do not use sign language. Similarly, Braille is effective only for people who read Braille. Other methods are needed for people with vision disabilities who do not read Braille, such as providing accessible electronic text documents, forms, etc., that can be accessed by the person's screen reader program.

Covered entities are also required to accept telephone calls placed through TRS and VRS, and staff who answer the telephone must treat relay calls just like other calls.

Many deaf-blind individuals use support service providers (SSPs) to assist them in accessing the world around them. SSPs are not "aids and services" under the ADA. However, they provide mobility, orientation, and informal communication services for deaf-blind individuals and are a critically important link enabling them to independently access the community at large.

The communications assistant will explain how the system works if necessary.

Remember, the purpose of the effective communication rules is to ensure that the person with a communication disability can receive information from, and convey information to, the covered entity.

Companions

In many situations, covered entities communicate with someone other than the person who is receiving their goods or services. For example, school staff usually talk to a parent about a child's progress; hospital staff often talk to a patient's spouse, other relative, or friend about the patient's condition or prognosis. The rules refer to such people as "companions" and require covered entities to provide effective communication for companions who have communication disabilities.

The term "companion" includes any family member, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.

Use of Accompanying Adults or Children as Interpreters

Historically, many covered entities have expected a person who uses sign language to bring a family member or friend to interpret for him or her. These people often lacked the impartiality and specialized vocabulary needed to interpret effectively and accurately. It was particularly problematic to use people's children as interpreters.

The ADA places responsibility for providing effective communication, including the use of interpreters, directly on covered entities. They cannot require a person to bring someone to interpret for him or her. A covered entity can rely on a companion to interpret in only two situations.

(1) In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication **only** when a qualified interpreter is not available.

(2) In situations **not** involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. This exception does **not** apply to minor children.

Even under exception (2), covered entities may **not** rely on an accompanying adult to interpret when there is reason to doubt the person's impartiality or effectiveness. For example:

- It would be inappropriate to rely on a companion to interpret who feels conflicted about communicating bad news to the person or has a personal stake in the outcome of a situation.
- When responding to a call alleging spousal abuse, police should never rely on one spouse to interpret for the other spouse.

Who Decides Which Aid or Service Is Needed?

When choosing an aid or service, title II entities are **required** to give primary consideration to the choice of aid or service requested by the person who has a communication disability. The state or local government must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden (see limitations below). If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

Covered entities may require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but may not impose excessive advance notice requirements. "Walk-in" requests for aids and services must also be honored to the extent possible.

Title III entities are **encouraged** to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating.

Limitations

Covered entities are required to provide aids and services unless doing so would result in an "undue burden," which is defined as significant difficulty or expense. If a particu-

lar aid or service would result in an undue burden, the entity must provide another effective aid or service, if possible, that would not result in an undue burden. Determining what constitutes an undue burden will vary from entity to entity and sometimes from one year to the next. The impact of changing economic conditions on the resources available to an entity may also be taken into consideration in making this determination.

State and local governments: in determining whether a particular aid or service would result in undue financial and administrative burdens, a title II entity should take into consideration the cost of the particular aid or service in light of all resources available to fund the program, service, or activity and the effect on other expenses or operations. The decision that a particular aid or service would result in an undue burden must be

made by a high level official, no lower than a Department head, and must include a written statement of the reasons for reaching that conclusion.

Businesses and nonprofits: in determining whether a particular aid or service would result in an undue burden, a title III entity should take into consideration the nature and cost of the aid or service relative to their size, overall financial resources, and overall expenses. In general, a business or nonprofit with greater resources is expected to do more to ensure effective communication than one with fewer resources. If the

entity has a parent company, the administrative and financial relationship, as well as the size, resources, and expenses of the parent company, would also be considered.

In addition, covered entities are not required to provide any particular aid or service in those rare circumstances where it would fundamentally alter the nature of the goods or services they provide to the public. In the performing arts, for example, slowing down the action on stage in order to describe the action for patrons who are blind or have vision loss may fundamentally alter the nature of a play or dance performance.

Staff Training

A critical and often overlooked component of ensuring success is comprehensive and ongoing staff training. Covered entities may have established good policies, but if front line staff are not aware of them or do not know how to implement them, problems can arise. Covered entities should teach staff about the ADA's requirements for communicating effectively with people who have communication disabilities. Many local disability organizations, including Centers for Independent Living, conduct ADA trainings in their communities. The Department's ADA Information Line can provide local contact information for these organizations.

**For more information
about the ADA,
please visit our website
or call our toll-free number.**

ADA Website: www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website and click on the link near the bottom of the right-hand column.

ADA Information Line

800-514-0301 (Voice) and
800-514-0383 (TTY)

Call M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m., (Eastern Time) to speak with an ADA Specialist (calls are confidential) or call 24 hours a day to order publications by mail.

For people with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged.

January 2014



Kathy Frelich

Representative District 15

701-351-0719

kfrelich@ndlegis.gov

Devils Lake, ND 58301

Chairman Ruby and members of the Human Services Committee, my name is Kathy Frelich, and I have the great privilege of representing District 15.

In a moment I will explain what House Bill 1097 entails but first I want to disclose to you that my regular employment is with the North Dakota School for the Deaf (NDSD) in Devils Lake. I work in the Adult Outreach Program. That being said, I will not benefit from the passage of this Bill, and I have not been asked to submit this Bill on behalf of NDSD. This Bill is born of my own frustration.

This Bill is made up of one Section, so I'm hoping it is very straight forward. The first part indicates the focus of the Bill. This Bill is for a study to be done during the Interim and my hope is that it will assist us in learning ways to better serve our citizens who have a hearing loss. I've used three terms in the introduction.

Deaf: These are people who were born deaf or became deaf before their oral language was developed. I am using this term to refer to people who learned American Sign Language (ASL) and use this as their main form of communication.

Hard of Hearing: This term encompasses a wide group of people and may include your parents or grandparents, who, like many may struggle with hearing loss through the aging process. This group may also include younger people who have hearing loss, possibly due to medical causes. This type of hearing loss may be significant to the point that normal communication is impossible without the assistance of hearing aids or assistive devices. I think it is important to note that ND has a high incidence of hearing loss due to the number of farmers, hunters and veterans in the state. These people do not use ASL and English is their primary language.

Hearing Differences: This is a term used to encompass groups who do not fit into the other two categories. This may include those people who were born deaf but have no language ability. For example, a child may be born deaf in rural ND, but a family has decided not to send them to NDSD. They do not become fluent in ASL and often rely on "home signs" until they enter school and after that they will often receive a para to assist with communication and if they are lucky, they would have an interpreter with an Educational Interpreter Performance Assessment (EIPA) Certification. This term could also include the population of people who have lost their hearing but made the decision to get a cochlear implant. They may have good English skills but without the use of the processor, they are in fact legally deaf. They are fitting cochlear implants in children at a very young age, and for the most part, these children learn and speak the English language. They may or may not use ASL.

Subsections a, b and c, explain the meat of the study and who should participate.

If you look at the sheet attached to my testimony, you will see *that "Under the Americans with Disabilities Act (ADA) Title II entities which are state and local government services and programs and*

title III entities with are businesses and non-profit organizations that serve the public, must provide accessible communication for people with communication disabilities". In on-line testimony I've included the full brief from the US Dept of Justice which provides an overview of the expectations of Effective Communication. It states, *"The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities".*

To meet these requirements, I propose a study which will include people from various fields, including those who are currently dealing with communication concerns. I've included people from the IT field, because I think we can make improvements simply by using technology that is currently available.

A few scenarios to consider:

- 1) A deaf citizen whose primary language is ASL needs a ride from the rural transit system. He is unable to call, and they are unable to receive text or email.
- 2) A deaf citizen applies for benefits at the Social Service office. They are told they will receive a phone call to complete the application process. This citizen doesn't have access to Video Relay services, but no other options are provided.
- 3) An older citizen with severe hearing loss wants to attend an open meeting of the county commission but is unable to hear the conversation of its members.

These are just a few scenarios I've picked out to share with you. In all three, I would say we've failed our goal of providing effective communication and yet technology exists to make these services so much more accessible.

Recall Scenario one. Is it possible to have software that takes a text message and pops it up on a computer - like an instant message? Scenario two: Video Relay Services or VRS has been around for years. This is when a client makes a phone call through video, an interpreter picks up and voices the call to the person receiving the call. You may be curious about TTY services. TTY was remarkable for its time. A true advancement for those who are deaf. In fact, I would consider it a very early/primitive form of texting but now it is nearly obsolete. It is rarely used but you'll find a TTY number listed on most state brochures. Scenario 3: People may have severe hearing loss but still have excellent English reading skills. They would benefit from using speech dictation apps so they can read what people are saying. There are many free apps, and both Android and iOS devices generally have these pre-installed.

I share these technology ideas with you only to clarify that I don't believe we would be looking at a large fiscal note to solve these problems. We may not even need a Bill after the completion of this Study.

Finally, let me explain why I am bringing this before you as a study rather than a Bill. I have had 2 years now to contemplate how I could draft a Bill that would encompass all the different scenarios I've mentioned today. And quite frankly I cannot pretend to know all the different challenges this community of citizens faces on an average day. Also, the law already exists at the federal level under the Americans with Disabilities Act which was passed in 1990 and signed into law by President George Bush.

North Dakota has a chance to move mountains for this group of people, but today I ask only that you advance the pebble. I hope this committee will give this study a Do Pass recommendation.

Hello Chairman Ruby and Members of the Human Services Committee,

My name is Pam Smith, and it is my pleasure to write this letter in support of House Bill 1097, which seeks to provide for a study regarding the accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences.

I would like to take a few moments to touch on my own experience which qualifies me to speak to the unmet needs experienced by those with hearing loss in our rural state of North Dakota.

I first earned a secondary education teaching degree in social studies from UND. My first teaching position included teaching high school psychology, which I loved. In 1992, I decided to explore my interest in Deaf Education in depth and enrolled in a four-year Bachelor of Education program in Deaf Education at Minot State University, from which I graduated in 1996. Following that, I was employed by Wilmac Special Education Unit in Williston as an itinerant teacher of the deaf. I traveled daily from Williston to Alexander to Watford City, providing services to students who were deaf. Children who are deaf do not learn incidentally from those around them, as hearing students do- they learn through DIRECT teaching, using specific techniques which are not exactly the same for each student.

In the fall of 1998, a position at the North Dakota School for the Deaf became available, and I was thrilled to accept the offer to teach high school social studies there for the next eleven years until the high school at NDSD was closed. I earned a master's degree in Educational Leadership in 2010. In 2009, the state legislature mandated that NDSD serve those with hearing loss from birth to death, rather than only ages 3 to 21. It became apparent that there was a need for a department dedicated to serving the needs of adults with hearing loss, and I was happy to be chosen to start the first Adult Outreach department. I earned a second master's degree in Gerontology to better prepare me to work with aging adults with hearing loss. I worked as the coordinator of this department until my retirement in June of 2022.

Through my varied experiences working with individuals with hearing loss and the agencies who work with said individuals across the state of North Dakota, I am quite familiar with the issues that cause frustrations, confusion, or cause individuals to refuse to accept needed help from agencies and individuals that they may need to work with to be successful in their lives and professional endeavors.

What are these barriers to successful communication? There are so many, and that is why this study is a perfect way to bring attention to the variety of situations that are being encountered by North Dakotans.

There are so many barriers, and the causes do not apply to every person with a hearing loss, for example, not all individuals who are deaf use American Sign Language, but some do. In North Dakota we have a serious shortage of certified interpreters who can interpret for signing students in the classroom, or for agency meetings. So, then what? Do people/agencies know that interpreters are available virtually? It is not acceptable, or legal to simply say, "sorry, there are no interpreters for you", yet it happens far too often.

I worked with a young man who was born with a severe hearing loss. His mother did not want to send him to the School for the Deaf, so he remained in his home school, sitting in the classroom- most often with others- sometimes alone in a separate room, sometimes in a room with an aide with great intentions but with no training in deafness at all- for twelve years. When we met, he had very little language of any kind- spoken- written- signed- but he wanted to learn. He had very limited social skills.

His family meant well, but keeping him isolated had not done him any favors-he ended up getting in some legal trouble, as he did not understand, and no one had ever conveyed to him that it was not appropriate for 17-year-old boys to approach 13 year old girls. He was simply looking for friends, but no 17-year-old girls were interested in him due to his lack of age-appropriate social skills. That was a clear lack of educational experience. Low language can lead to some serious mistakes for innocent individuals.

Some individuals who are deaf use cochlear implants. However, as opposed to popular belief, these devices do not “fix” a person’s hearing. They are merely a tool that works well for some, not for others, and this device involves a surgery to implant the device in the skull. The surgery is the first and easiest step- there must be follow-up training, known as aural rehabilitation, to make the most of the individual’s hearing potential. Those services are very limited and not accessible in rural areas.

Many people say that hearing loss is such a low incidence disability population in North Dakota, but when you consider the number of **older adults** with hearing loss, the numbers are tremendous, as nearly every older adult has some degree of hearing loss. In addition to knowing about hearing aids, older adults need to become aware that there are many forms of assistive technology that are available and can aid and assist them as they age-in-place in their homes. People are not aware of what is available to them! It is education and awareness. Anything that can be done to support and encourage this educational dissemination is so important.

In conclusion, this study is so important! It will make clear the dire needs in North Dakota for all individuals with hearing loss, not only students, but adults/older adults as well. I give my full support to this proposal by Representative Frelich. Thank you for your time and consideration!

Sincerely,

Pam Smith

Chairman Ruby and fellow members of the committee,

My name is David Zimmerman, a former teacher of 31 years at the North Dakota School for the Deaf/Resource Center and I am testifying in support of the legislative study proposal of HB1097.

With the ever-evolving changes with technology, I feel that the elderly people who are losing their hearing or already have some sort of a hearing loss struggle to communicate in a way with their basic needs for accessible communication. Having questions answered is pivotal when making the right decisions for a health insurance plan. Effective communication would go a long way to make the process simpler. It would be beneficial if we had software that would help to make the process easier and smoother.

I know for a fact that North Dakota is struggling with the lack of certified interpreters that would be available especially in the rural areas. As a matter of fact, there are a lot of Social Security offices across the state that are closed and having face-to-face meetings is impossible if the office is closed! That is a huge barrier to overcome in terms of communication with this situation.

It would be a great positive if the state would consider a study that would facilitate solving the issues highlighted during the study.

Respectfully,
David Zimmerman



info@ndassistive.org



800-895-4728

www.ndassistive.org

Chairman Ruby and Members of the House Human Services Committee,

My name is Mike Chaussee, Executive Director for North Dakota Assistive the non-profit organization charged with administering the Assistive Technology Act program for the state. ND Assistive has been steadfast in its commitment to help residents thrive despite their limitations. Through numerous programs, we empower individuals to live independently, gain meaningful employment, succeed in school, and fully engage with their families and communities all by helping them discover what's possible through adoption of assistive technology (AT). I am writing to express our support for House Bill 1097 designed to study accessibility, focusing on people who are deaf, hard of hearing, or have hearing differences.

We work with people every day looking for solutions to overcome the challenges they face. We find that most of the people we see want to be as independent as possible. They want to open their own doors, cook their own meals, feed themselves, communicate effectively, participate in community events, go to work, study with their classmates, or even go fishing with friends. Simply put, they don't want to have to rely on other people to do things they could do themselves with the right tools and systems in place.

House Bill 1097 provides an opportunity for the state of North Dakota to look deeply into the barriers it puts up, specifically for people who are hard of hearing or deaf, that block people from being as independent as possible. The Americans with Disabilities Act (ADA), passed in 1990, specifically requires state and local governments to make sure people with disabilities are not excluded from participation in or denied benefits of service due to their disabilities. While architectural barriers are most often cited (accessible doorways or curb ramps for example), the law specifically cites communication barriers as well. This study specifically addresses that important component of ADA.

One of the big reasons we support this study is the opportunity it provides for state and local governments to reconnect with the ADA and take the lead in providing reasonable accommodations for people with disabilities. The study does not put an undue burden on any specific agency, city, township, or office. It, instead, creates an opportunity to discover the impact simple, cost effective, and person focused decisions can drive inclusion and participation for all.

Thank you for your time and attention to this important bill,

Mike Chaussee

Executive Director

North Dakota Assistive

Hello Chairman Ruby and Members of the Human Services Committee,

My name is Donna Sorensen and I have the pleasure of serving as the Superintendent of the North Dakota School for the Deaf/Resource Center (NDSD/RC). I would ask this committee to give this bill a Do Pass recommendation.

NDSD/RC's vision, mission, and purpose is to serve and educate any individual with a hearing difference. Our Adult Hearing Outreach Program also serves to educate those who work with those who have hearing differences.

Deaf adults struggle to access governmental services due to communication barriers, gaps in the English language, limited access to sign language interpreters, and access to information about agencies purposes and services. I believe this study would provide specific ideas, or at least a potential path forward, about the gaps and allow the committee and government agencies to improve access for Deaf adults.

This study would also identify gaps for older adults who have a hearing loss and are proficient in English.

Finally, this study would give governmental agencies information to improve their outreach, their access, and their services for citizens of North Dakota who have hearing differences.

NDSD/RC stands ready to support this process in any way we can.

SIXTY-NINTH LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

Testimony for House Bill 1164

My name is Kaytlyn Johnson, and I was born in Fargo, North Dakota. I proudly graduated from Fargo North High School in 2011. I am Deaf with a capital 'D' because I fully embrace my identity and culture, and American Sign Language (ASL) is my primary language.

The term "Hearing Impairment" does not define me because I am not broken. This outdated and harmful term focuses on limitations rather than celebrating the strengths, resilience, and contributions of Deaf individuals. It suggests that hearing is the standard and that anything different is flawed, damaged, or in need of fixing. This perception is offensive and damaging. The Deaf community overwhelmingly rejects this term because it does not reflect who we are or the pride we have in our identity.

When someone calls me "hearing impaired," I do not stay silent. I confront this harmful label by challenging their word choice and urging them to say "Deaf." I ask them directly: "Why did you choose the term 'hearing impairment'? Do you believe I am broken?" This question forces them to reflect on the weight of their words and the biases they carry. Words matter. Language shapes perceptions, and using outdated, negative terminology continues to marginalize people like me.

Adopting the term "Deaf and Hard of Hearing" is more than a simple language change - it is a bold and necessary step toward respect, dignity, and true inclusion. This terminology empowers us and recognizes our full humanity, valuing us for our strengths and contributions, not for perceived deficits.

I wholeheartedly support the terminology updates proposed in House Bill 1164 and passionately urge you to pass this critical bill. By doing so, you affirm the importance of inclusive and empowering language for all North Dakotans.

Thank you sincerely for your time and thoughtful consideration.

Sincerely,
Kaytlyn Johnson

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE PIONEER ROOM, STATE CAPITOL

HB 1097
1/15/2025

Provide for a legislative management study regarding accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences.

2:53 p.m. Chairman M. Ruby called the meeting to order.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Committee work

2:53 p.m. Representative K. Anderson moved a Do Pass.

2:53 p.m. Representative Hendrix seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

2:54 p.m. Motion passed 13-0-0.

Representative Anderson will carry the bill.

10:55 p.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1097 ([25.0434.01000](#))

Human Services Committee (Rep. M. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

2025 SENATE HUMAN SERVICES

HB 1097

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1097
3/5/2025

A BILL for an Act to provide for a legislative management study regarding accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences.

1:02 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Americans with Disability Act Compliance

1:02 p.m. Representative Frelich introduced the bill and submitted testimony in favor #38639.

1:19 p.m. Senator Roers moved Do Pass.

1:19 p.m. Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 5-0-1.

Senator Weston will carry the bill.

1:19 p.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1097 ([25.0434.01000](#))

Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1097 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.



North Dakota House of Representatives

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COMMITTEES:

Vice Chair Human Services
Transportation

Chairwoman Lee and members of the Senate Human Services Committee, my name is Kathy Frelich, and I have the great privilege of representing District 15. In a moment I am going to explain what this Bill entails but first I want to disclose to you that my regular employment is with the North Dakota School for the Deaf (NDSB) in Devils Lake. I work in the Adult Outreach Program. That being said, I will not benefit from the passage of this Bill, and I have not been asked to submit this Bill on behalf of NDSB. This Bill is born of my own frustration as I assist clients who navigate the system.

This Bill is made up of one Section. The first part indicates the focus of the Bill. This Bill is for a study to be done during the Interim and my hope is that it will assist us in learning ways to better serve our citizens who have a hearing loss. I've used three terms in the introduction.

Deaf: These are people who were born deaf or became deaf before oral language was developed. I am using this term to refer to people who learned American Sign Language (ASL) and use this as their main form of communication.

Hard of Hearing: This term encompasses a wide group of people, many who are older adults struggling with hearing loss as they age. This group may also include younger people who have hearing loss, related to medical causes. This type of hearing loss may be significant to the point that normal communication is impossible without the assistance of hearing aids or assistive devices. I think it is important to note that ND has a high incidence of hearing loss due to the number of farmers, hunters and veterans in the state. These people do not use ASL and English is their primary language.

Hearing Differences is a term used to encompass groups who do not fit into the other two categories. This may include those people who were born deaf but have no language ability. For example, a child may be born deaf in rural ND, but a family has decided not to send them to NDSD. They do not become fluent in ASL and often rely on "home signs" until they enter school and after that they will often receive a para to assist with communication and if they are lucky, they would have an interpreter with EIPA Certification. This is an interpreter who is eligible to work in the school system. ND only has about 20 licensed interpreters in the entire state. The term Hearing Differences could also include the population of people who have lost their hearing but made the decision to get a cochlear implant. They may have good English skills but without the use of the processor, they are legally deaf. They are fitting cochlear implants in children at a very young age, and for the most part, these children learn and speak the English language. They may or may not use ASL.

Subsections a, b and c, explain the meat of the study. Under the Americans with Disabilities Act (ADA) Title II entities which are state and local government services and programs, and title III entities which are businesses and non-profit organizations that serve the public, must provide accessible communication for people with communication disabilities. I've included a brief from the US Dept of Justice which provides an overview of the expectations of Effective Communication. It states, "The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities".

To meet these requirements, I propose a study which will include people from various fields, including those who are currently dealing with communication concerns. I've also included people from the IT field, because I think we can make improvements simply by using existing technology.

A few scenarios to consider:

- 1) A deaf citizen whose primary language is ASL needs a ride from the rural transit system. He is unable to call, and they are unable to receive text or email.
- 2) A deaf citizen applies for benefits at the Social Service office. They are told they will receive a phone call to complete the application process. This citizen doesn't have access to Video Relay services, but no other options are provided.

- 3) An older citizen with severe hearing loss wants to attend an open meeting but is unable to hear the conversation of the committee members.

These are just a few scenarios I've picked out to share with you. In all three, I would say we've failed our goal of providing effective communication and yet technology exists to make these services so much more accessible.

Recall **Scenario 1**. Is it possible to have software that takes a text message and pops it up on a computer - like an instant message? **Scenario 2**: Video Relay Services or VRS has been around for years. This is when a client makes a phone call through video, an interpreter picks up and voices the call to the person receiving the call. You may be curious about TTY services. TTY was remarkable for its time. A true advancement for those who are deaf. In fact, I would consider it a very early/primitive form of texting, but now it is nearly obsolete. It is rarely used but you'll find a TTY number listed on most state brochures. The same kind of direct line could be used for videophone calls. **Scenario 3**: People may have severe hearing loss but still have excellent English reading skills. They may benefit from using speech dictation apps so they can read what people are saying. There are many free apps, and both Android and iOS generally have these pre-installed on devices.

I share these scenarios and solutions with you only to clarify that I don't believe we would be looking at a large fiscal note to solve these problems. We may not even need a Bill after the completion of this Study. I believe we just need the information and the know-how.

Finally, let me explain why I am bringing this before you as a study rather than a Bill. I have had 2 years now to contemplate how I could draft a Bill that would encompass all the different scenarios I've mentioned today. And quite frankly I cannot pretend to know all the different challenges this community of citizens faces on an average day. Also, the law already exists at the federal level under the Americans with Disabilities Act which was passed in 1990 and signed into law by President George Bush. I've submitted the Dept. of Justice overview of the ADA and Effective Communication as testimony.

North Dakota has an opportunity to move mountains for this group of people, but today I ask only that you advance the pebble. I also realize that deafness is only one barrier to the services we provide, and I hope this will lead us down a path of accessibility for all, where every individual has a chance to thrive.

Thank you