

## Senate Counsel & Research

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## **S.F. No. 525 - Changing Terminology in Law For People With Disabilities**

**Author:** Senator Sheila M. Kiscaden

**Prepared by:** Thomas S. Bottern, Senate Counsel (651/296-3810) *TSB*

**Date:** February 14, 2005

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This bill directs the Revisor of Statutes to change certain terms for people with disabilities wherever they appear in Minnesota Statutes to conform with a list of specific terms contained in the bill. For example, the bill directs that all references to "mentally retarded" individuals in the statutes must be changed to refer to "developmentally disabled" people. The bill also provides the Revisor with discretion to use one of several terms that would be most appropriate in the context of the statute where the term is used. The bill directs the Department of Administration, in consultation with the Governor's Council on Developmental Disabilities, to adopt rules that conform to the terminology changes listed in the bill. The rule changes are effective upon publication in the State Register.

TSB:rer

Senators Kiscaden, Ortman, Kelley, Solon and Nienow introduced--  
S.F. No. 525: Referred to the Committee on State and Local Government Operations.

1 A bill for an act  
2 relating to state government; changing terminology for  
3 mentally retarded, mental retardation, physically  
4 handicapped, and similar terms.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

6 Section 1. [REVISOR INSTRUCTION.]

7 (a) The revisor of statutes shall change the terms in  
8 column A to the terms in column B, wherever they appear in  
9 Minnesota Statutes,

10 <u>Column A</u>	<u>Column B</u>
11 <u>"mental retardation"</u>	<u>"developmental disability"</u>
12 <u>"mental retardation or</u>	<u>"developmental disability"</u>
13 <u>a related condition";</u>	
14 <u>"mental retardation</u>	
15 <u>and related condition"</u>	
16 <u>"mentally retarded"</u>	<u>"developmentally disabled"</u>
17 <u>"handicapped persons"</u>	<u>"disabled persons"</u>
18 <u>"handicapped children"</u>	<u>"disabled children" or</u>
19	<u>"children with disabilities,"</u>
20	<u>whichever term is most appropriate</u>
21	<u>in the context of the sentence</u>
22 <u>"handicapped dependents"</u>	<u>"disabled dependents"</u>
23 <u>"handicapped"</u>	<u>"disabled," "disability," or</u>
24	<u>"people with disabilities,"</u>
25	<u>whichever term is most appropriate</u>

1 in the context of the sentence  
2 "handicaps" "disabilities"  
3 "idiots" "developmentally disabled"

4 (b) Where the terms in column B are substituted in statute,  
5 insert "person" or "people" if not already used in the existing  
6 sentence structure.

7 Sec. 2. [MINNESOTA RULES.]

8 The Department of Administration, in consultation with the  
9 Governor's Council on Developmental Disabilities, shall publish  
10 adopted rules in the State Register making the terminology  
11 changes specified in section 1 in Minnesota Rules. Upon  
12 publication in the State Register, the terminology changes for  
13 Minnesota Rules are adopted without further administrative  
14 action.

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## S.F. No. 548 - Participation of Day Training and Habilitation Services Providers in Cooperative Purchasing Agreements and Exemptions from Competitive Bidding Process

**Author:** Senator Linda Higgins

**Prepared by:** Thomas S. Bottern, Senate Counsel (651/296-3810) *TSB*

**Date:** February 14, 2005

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This bill extends preferential treatment under the state's competitive bidding and cooperative purchasing statutes to day training and habilitation services providers and rehabilitation facilities and extended employment providers.

**Section 1** extends existing exemptions from the solicitation process under Minnesota Statutes, chapter 16C to the state's acquisition of goods and services from day training and habilitation services providers.

**Section 2** provides a conforming amendment that authorizes the Commissioner of Administration to include products and services from day training and habilitation services providers in a list prepared by the commissioner.

**Section 3** includes rehabilitation facilities and extended employment providers and day training and habilitation services within existing law that authorizes a joint powers agreement. This change would authorize those entities to enter into an agreement with the Department of Administration to purchase goods and services cooperatively.

TSB:rer

Senators Higgins, Kubly, Solon, Wergin and Kiscaden introduced--  
S.F. No. 548: Referred to the Committee on State and Local Government Operations.

1 A bill for an act  
2 relating to state government; authorizing  
3 participation of day training and habilitation  
4 services providers in state cooperative purchasing  
5 agreements; including certain rehabilitation  
6 facilities, extended employment providers, and day  
7 training and habilitation services providers in the  
8 state agency acquisition process; amending Minnesota  
9 Statutes 2004, sections 16C.10, subdivision 5; 16C.15;  
10 471.59, subdivision 1.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

12 Section 1. Minnesota Statutes 2004, section 16C.10,  
13 subdivision 5, is amended to read:

14 Subd. 5. [SPECIFIC PURCHASES.] The solicitation process  
15 described in this chapter is not required for acquisition of the  
16 following:

17 (1) merchandise for resale purchased under policies  
18 determined by the commissioner;

19 (2) farm and garden products which, as determined by the  
20 commissioner, may be purchased at the prevailing market price on  
21 the date of sale;

22 (3) goods and services from the Minnesota correctional  
23 facilities;

24 (4) goods and services from rehabilitation facilities and,  
25 extended employment providers that are certified by the  
26 commissioner of employment and economic development, and day  
27 training and habilitation services licensed under sections  
28 245B.01 to 245B.08;

1 (5) goods and services for use by a community-based  
2 facility operated by the commissioner of human services;

3 (6) goods purchased at auction or when submitting a sealed  
4 bid at auction provided that before authorizing such an action,  
5 the commissioner consult with the requesting agency to determine  
6 a fair and reasonable value for the goods considering factors  
7 including, but not limited to, costs associated with submitting  
8 a bid, travel, transportation, and storage. This fair and  
9 reasonable value must represent the limit of the state's bid;  
10 and

11 (7) utility services where no competition exists or where  
12 rates are fixed by law or ordinance.

13 [EFFECTIVE DATE.] This section is effective the day  
14 following final enactment.

15 Sec. 2. Minnesota Statutes 2004, section 16C.15, is  
16 amended to read:

17 16C.15 [LIST OF PRODUCTS AND SERVICES FROM REHABILITATION  
18 FACILITIES AND, EXTENDED EMPLOYMENT PROVIDERS, AND DEVELOPMENTAL  
19 ACHIEVEMENT CENTERS.]

20 The commissioner, in consultation with the commissioner of  
21 employment and economic development, shall prepare a list  
22 containing products and services of for acquisition by state  
23 agencies and institutions from:

24 (1) certified rehabilitation facilities and extended  
25 employment providers as described in chapter 268A for  
26 acquisition-by-state-agencies-and-institutions; and

27 (2) day training and habilitation services licensed under  
28 sections 245B.01 to 245B.08.

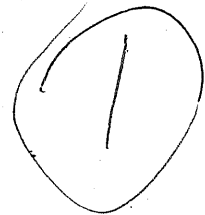
29 [EFFECTIVE DATE.] This section is effective the day  
30 following final enactment.

31 Sec. 3. Minnesota Statutes 2004, section 471.59,  
32 subdivision 1, is amended to read:

33 Subdivision 1. [AGREEMENT.] Two or more governmental  
34 units, by agreement entered into through action of their  
35 governing bodies, may jointly or cooperatively exercise any  
36 power common to the contracting parties or any similar powers,

1 including those which are the same except for the territorial  
2 limits within which they may be exercised. The agreement may  
3 provide for the exercise of such powers by one or more of the  
4 participating governmental units on behalf of the other  
5 participating units. The term "governmental unit" as used in  
6 this section includes every city, county, town, school district,  
7 other political subdivision of this or another state, another  
8 state, the University of Minnesota, nonprofit hospitals licensed  
9 under sections 144.50 to 144.56, rehabilitation facilities and  
10 extended employment providers that are certified by the  
11 commissioner of employment and economic development, day  
12 training and habilitation services licensed under sections  
13 245B.01 to 245B.08, and any agency of the state of Minnesota or  
14 the United States, and includes any instrumentality of a  
15 governmental unit. For the purpose of this section, an  
16 instrumentality of a governmental unit means an instrumentality  
17 having independent policy making and appropriating authority.

18 [EFFECTIVE DATE.] This section is effective the day  
19 following final enactment.



1 ..... moves to amend H. F. No. 487 as follows:  
2 Page 2, after line 14, insert:  
3 "Sec. 3. [STATE AGENCIES.]  
4 State agencies shall use the terminology changes specified  
5 in section 1 when printed material and signage are replaced and  
6 new printed material and signage are obtained. State agencies  
7 do not have to replace existing printed material and signage to  
8 comply with sections 1 and 2."





1 ..... moves to amend H. F. No. 487 as follows:

2 Page 2, delete section 2 and insert:

3 "Sec. 2. [MINNESOTA RULES.]

4 The Governor's Council on Developmental Disabilities, in  
5 consultation with the Department of Administration, shall review  
6 Minnesota Rules and provide to the revisor of statutes a list of  
7 Minnesota Rules containing outdated language specified in  
8 section 1 and the appropriate terminology changes that must be  
9 made in each of the rules. The revisor of statutes shall make  
10 the indicated changes in Minnesota Rules."

Thank you Madam Chair and other members of this committee for allowing me to speak today. My name is Roberta Blomster and I am from Vadnais Heights.

I would like you to support Bill S. F. No. 525, because the language in the Statutes relating to people with disabilities needs to change. The current language encourages people to make fun of as well as hurt people with disabilities. They look at our disabilities first, not our abilities. We are always told, "Oh, you can't do this, you can't do that" and we are tired of hearing that.

I was raised to believe it is not that I cannot do something, only that I have not tried it yet.

I am an individual with disabilities.

I was the first Cheerleader with special needs at White Bear High School. I saw a need for cheerleaders at the adaptive sports competitions. I asked the cheerleading coach if I could become a cheerleader for the Adaptive Team, I did not get far. Then I went to the Director of Sports, he said no problem, telling the coach; I would be part of her Cheerleading squad. I became one of her top students, attending every practice and regional training camps as well. I ended up lettering in Cheerleading at White Bear Lake High School.

I am also a major force in Special Olympics: as an International Gold Medal Winner, a Special Olympics Athlete, a Special Olympics Coach for Track & Field, a Global Messenger who is trained to be a self advocate and promoter of Special Olympics, an Athlete Leader, and a Trainer for other athletes in the area of self advocacy and speech presentation. I was named the 1998 Special Olympics Minnesota Outstanding Female Athlete of the Year. I am working on my next goals with Special Olympics of being on the State and/or International Board of Directors and also becoming an International Global Messenger.

I have given speeches on disabilities and Special Olympics to schools, businesses, civic groups, and at self-advocacy conferences.

I have attended a meeting of the Governor's Council on Developmental Disabilities. And I applied to be a public member of that council, last year. As of this date, the Governor's Office has not made the appointment.

As you can see, I have accomplished a lot, as an individual. My disabilities have not hindered me, when I have a goal; even my Mom has a hard time keeping up with me.

Not only will this bill directly affect people with disabilities throughout this state; but all Minnesotans as well. We will be showing Minnesotans that the State looks at us as People First, and then at our disabilities. The state must be the leader in removing labels from us. I am not an idiot, handicapped or Mentally Retarded, I am an individual with disabilities. Hurtful names such as "Retard" should not be in anybody's vocabulary and I believe this legislation is the start to removing these labels.

I am willing to answer any questions that you may have.

Thank you again Madam Chair and other members of the committee for allowing me to testify today.

### State and Local Government Committee Members

Senator	Leg. District #	MHC Providers
Day, Dick	26	<ul style="list-style-type: none"> <li>•Cedar Valley Services – ABL</li> <li>•Jobs Plus, Inc.</li> <li>•JPI</li> <li>•Rice County Activity Center</li> <li>•Cannon River Enterprises (MSOCS)</li> <li>•Straight River Greenhouse (MSOCS)</li> <li>•Straight River Enterprises (MSOCS)</li> </ul>
Dibble, Scott	60	
Fischbach, Michelle	14	<ul style="list-style-type: none"> <li>•Grant County DAC</li> <li>Independence Center, Inc. – St. Cloud</li> </ul>
Higgins, Linda	58	<ul style="list-style-type: none"> <li>•Employing Partners in Community Program (epic)</li> </ul>
Johnson, Debbie J.	49	<ul style="list-style-type: none"> <li>•Opportunity Services, Inc. – Community Living Program</li> </ul>
Kubly, Gary	20	<ul style="list-style-type: none"> <li>•Main Street Industries</li> <li>•Heartland Ind. of Dawson, Inc.</li> <li>•Lac Qui Parle County Dac, Inc.</li> <li>•Hope DAC</li> <li>•Swift County Developmental Achievement Center</li> <li>•Canby DAC</li> <li>•Chippewa Enterprises, Inc.</li> <li>•Heartland Industries II, Inc.</li> <li>•Sparks Day Training and Habilitation (MSOCS)</li> <li>•Adult Client Training Service (ACTS)</li> </ul>
Marko, Sharon	57	<ul style="list-style-type: none"> <li>•East Suburban Resources</li> <li>•Lifeworks – Hastings</li> </ul>
Robling, Claire	35	<ul style="list-style-type: none"> <li>•New Options</li> </ul>
Senjem, David	29	<ul style="list-style-type: none"> <li>•Opportunity Services – Behavioral Support Services</li> <li>•Kasson Community Work Program</li> <li>•Kasson Community Living Program</li> <li>•Possibilities of Southern Minnesota</li> </ul>

Senator	Leg. District #	MHC Providers
Solon, Yvonne Prettner	7	<ul style="list-style-type: none"> <li>•Options</li> <li>•Choice</li> <li>•UDAC, Inc.</li> <li>•Northern Network East State (MSOCS)</li> <li>•Operated Services / Duluth West End DT&amp;H (MSOCS)</li> <li>•Pinewood – Duluth, Inc,</li> </ul>
Tomassoni, David	5	<ul style="list-style-type: none"> <li>•Access to Employment Too, Inc.</li> <li>•East Range DAC</li> <li>•Virginia Day Training and Habilitation (DT&amp;H) (MSOCS)</li> <li>•Floodwood Serv. / Training , Inc.</li> <li>•Range Center Dac</li> </ul>
Vickerman, Jim	22	<ul style="list-style-type: none"> <li>•Fulda DAC</li> <li>•Murray County DAC</li> <li>•Progress, Inc. of Edgerton</li> <li>•Progress, Inc.</li> <li>•Rock County Development Achievement Center</li> <li>•Cottonwood County DAC</li> <li>•Cottonwood County DAC – Satellite</li> <li>•Jackson County DAC, Inc.</li> <li>•Nobles County DAC</li> </ul>
Wergin, Betsy	16	<ul style="list-style-type: none"> <li>•Fillmore County DAC I</li> <li>•Fillmore County DAC II</li> <li>•Mille Lacs County Area DAC</li> <li>•Mille Lacs County Area Dac – Milaca</li> <li>•Options, Inc.</li> </ul>
Wiger, Chuck	55	<ul style="list-style-type: none"> <li>•Northeast Contemporary Services, Inc. – Senior Service</li> <li>•Merrick – 1636 Gervais</li> <li>•TSE – Roselawn</li> </ul>

# Day Training and Habilitation (DT&H) Services

## MNDACA/MHC Legislative Priorities

- ❖ Cost of living increases (COLA) of 3% for 2005 and 3% for 2006
- ❖ Restore 2003 CCSA and 1% DT&H rate reductions
- ❖ Ensure that the safety net remains in place for those people that need and choose DT&H services
- ❖ Implement cost savings for DT&H programs through purchasing cooperatives
- ❖ Repeal the 20% county surcharge for ICF's MR that were passed in 2003

## Additional Issues for 2005 - 2006

- ❖ Liability Insurance limits for DT&H providers
- ❖ Increase flexibility for special needs funding (Rule 186)
- ❖ Ensure that Consumer Directed Community Supports and Waivered Services are adequately funded
- ❖ Monitor the managed care pilot (PSN) involving Rolling Acres

## What are DT&H services?

Day Training and Habilitation services, also known as DAC's, are community integration and life skills services provided to adults with developmental disabilities. Services include support in finding and maintaining employment, retirement programs, leisure, recreation, and transportation, as well as psychological, medical, and behavioral support.

## Facts About DT&H Services\*

- ❖ **267** – # of DT&H programs in Minnesota
- ❖ **84** – # of Minnesota counties that have DT&H services
- ❖ **11,831** – # of people served by DT&H programs
- ❖ **\$36,538,000** – Wages earned by DT&H participants
- ❖ **58%** – % of DT&H participants that have jobs in the community
- ❖ **5,905** – # of Minnesota businesses that provide employment for DT&H participants
- ❖ **\$9.68** – Average DT&H direct service hourly wage

\*Source - 2004 MN Department of Human Services DT&H survey

**MNDACA/MHC**

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**MNDACA/MHC**

LEGISLATIVE PROGRAM

Providing Day Training and Habilitation services  
to people with developmental disabilities  
in communities throughout Minnesota

Minnesota Developmental Achievement Center Association (MNDACA) • Minnesota Habilitation Coalition (MHC)

1 Senator Higgins from the Committee on State and Local  
2 Government Operations, to which was referred

3 S.F. No. 525: A bill for an act relating to state  
4 government; changing terminology for mentally retarded, mental  
5 retardation, physically handicapped, and similar terms.

6 Reports the same back with the recommendation that the bill  
7 be amended as follows:

8 Page 2, delete section 2 and insert:

9 "Sec. 2. [MINNESOTA RULES.]

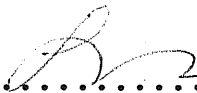
10 The Governor's Council on Developmental Disabilities, in  
11 consultation with the Department of Administration, shall review  
12 Minnesota Rules and provide to the revisor of statutes a list of  
13 Minnesota Rules containing outdated language specified in  
14 section 1 and the appropriate terminology changes that must be  
15 made in each of the rules. The revisor of statutes shall make  
16 the indicated changes in Minnesota Rules.

17 Sec. 3. [STATE AGENCIES.]

18 State agencies shall use the terminology changes specified  
19 in section 1 when printed material and signage are replaced and  
20 new printed material and signage are obtained. State agencies  
21 do not have to replace existing printed material and signage to  
22 comply with sections 1 and 2."

23 And when so amended the bill do pass and be re-referred to  
24 the Committee on Health and Family Security. Amendments adopted.  
25 Report adopted.

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28  
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31

  
.....  
(Committee Chair)  
February 14, 2005.....  
(Date of Committee recommendation)

1 Senator Higgins from the Committee on State and Local  
2 Government Operations, to which was referred

3 S.F. No. 548: A bill for an act relating to state  
4 government; authorizing participation of day training and  
5 habilitation services providers in state cooperative purchasing  
6 agreements; including certain rehabilitation facilities,  
7 extended employment providers, and day training and habilitation  
8 services providers in the state agency acquisition process;  
9 amending Minnesota Statutes 2004, sections 16C.10, subdivision  
10 5; 16C.15; 471.59, subdivision 1.

11 Reports the same back with the recommendation that the bill  
12 be amended as follows:

13 Page 2, delete section 2

14 Renumber the sections in sequence

15 Amend the title as follows:

16 Page 1, line 9, delete "16C.15;"

17 And when so amended the bill do pass and be placed on the  
18 Consent Calendar. Amendments adopted. Report adopted.

19

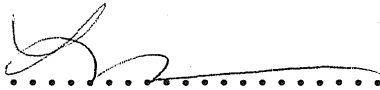
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.....  
(Committee Chair)

February 14, 2005.....  
(Date of Committee recommendation)