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Board Chair  
The Minnesota Commission of the Deaf, DeafBlind & Hard of Hearing  
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February 11, 2020

To:

Minnesota House of Representatives

State Government Finance Division

Rep. Michael Nelson, Chair

Rep. Tony Albright, Ranking Member

Government Operations

Rep. Mike Freiberg, Chair

Rep. Kristin Bahner, Ranking Member

Capital Investment

Rep. Mary Murphy, Chair

Rep. Dean Urdahl, Ranking Member

Minnesota Senate

Capital Investment Committee

Sen. David Senjem, Chair

Sen. Sandra Pappas, Ranking Member

State Government Finance & Policy &

Elections Committee

Sen. Mary Kiffmeyer, Chair

Sen. Jim Carlson, Ranking Member

Dear Committee Chairs and Ranking Members:

The Minnesota Commission of the Deaf, DeafBlind & Hard of Hearing has prepared its first biennial report as required by Minnesota Statutes 16C.054. As you will read in this report, there have been no requests for exemptions to the recent acoustic requirements or hearing loop requirements in public gathering spaces.

The statute does not require the State to inform us if they have complied with the law, but we intend to monitor this year's bonding proposals to identify projects within the scope of this statute to ensure compliance.

Sincerely,

*Michele Isham*

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Board Chair

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# Biennial exemptions report: Accommodation for hard-of hearing in state-funded capital project

January 2020

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Michele Isham, Chair  
Dr. Peggy Nelson, Vice-Chair  
Dr. Darlene Zangara, Executive Director

For questions regarding this report, please contact the Commission's Deputy Director E. David Dively at [emory.david.dively@state.mn.us](mailto:emory.david.dively@state.mn.us).

## Cost of report preparation

The total cost for the Commission to prepare this report was \$280.00. Estimated costs are provided in accordance with Minnesota Statutes, section 3.197, which requires that at the beginning of a report to the Legislature, the cost of preparing the report must be provided.

# Introduction

This report is submitted pursuant to Minnesota Statutes 16C.054

## **16C.054 ACCOMMODATION FOR HARD-OF-HEARING IN STATE-FUNDED CAPITAL PROJECTS**

### **Subdivision 1. Definition.**

For purposes of this section, "public gathering space" means a space that is constructed or renovated as part of the project: (1) that accommodates and is intended to be used for gatherings of 15 or more people; and (2) in which audible communications are integral to a use of the space.

### **Subd. 2. Accommodation for hard-of-hearing in state-funded capital projects.**

No commissioner or agency head may approve a contract or grant state funds for a capital improvement project to construct or renovate a public gathering space in a building unless:

(1) the project includes equipping the public gathering space, if the public gathering space has or will have a permanent audio-amplification system, with audio-induction loops to provide an electromagnetic signal for hearing aids and cochlear implants; and

(2) the project includes meeting the American National Standards Institute Acoustical Performance Criteria, Design Requirements and Guidelines for Schools on maximum background noise level and reverberation times in the public gathering space.

### **Subd. 3. Exemption.**

A commissioner or agency head may approve a contract or grant state funds for a capital improvement project to construct or renovate a building that does not meet a requirement of subdivision 2, when the commissioner or agency head determines that meeting that requirement is not feasible, is in conflict with other requirements in law, is in conflict with other project requirements, or that costs outweigh the benefits. The commissioner must consult with the Commission of Deaf, Deafblind, and Hard-of-Hearing Minnesotans before making the determination.

### **Subd. 4. Exemption reports.**

A commissioner or agency head who determines a contract is exempt under subdivision 3 must report the exemption to the Commission of Deaf, Deafblind, and Hard-of-Hearing Minnesotans within three months of making the determination. The chair of the Commission of Deaf, Deafblind, and Hard-of-Hearing Minnesotans shall submit a report to the chairs and ranking minority members of the committees in the house of representatives and senate with jurisdiction over state contracting by January 30 of even-numbered years beginning in 2020 identifying each exemption reported in the previous two calendar years.

**EFFECTIVE DATE.**

(a) This section is effective the day following final enactment, and, except as provided in paragraph (b), applies to any project funded with an appropriation enacted after January 1, 2017.

(b) This section does not apply to a project that has completed schematic design on the effective date of this section, but the commissioner and agency heads are encouraged to comply with it.

## Reported exemptions

Agency	Date granted	Capital project	Reason for exemption	Other	Other

## Conclusion

The Commission did not receive any requests for an exemption, so this report shows no data in the above table. Agencies are not required to inform the Commission if they do follow Minnesota Statutes 16C.054, so the Commission also has no data about any projects that may have followed the statute.

We are monitoring the 2020 bonding bills to see if any projects will be relevant going forward.