



Michele Isham, *Board Chair*
Dr. Darlene G. Zangara, *Executive Director*
The Minnesota Commission of the Deaf, DeafBlind & Hard of Hearing
85 E. 7th Place, Suite 105
Saint Paul, MN 55101

January 31, 2022

To: Minnesota House of Representatives

Capital Investment

Rep. Mary Murphy, Chair

Rep. Dean Urdahl, Ranking Member

Legacy Finance

Rep. Leon Lillie, Chair

Rep. Steve Green, Ranking Member

State Government Finance Division

Rep. Michael Nelson, Chair

Rep. Jim Nash, Ranking Member

Minnesota Senate

Capital Investment

Sen. Thomas M. Bakk, Chair

Sen. Sandra Pappas, Ranking Member

Environment and Natural Resources Policy and Legacy Finance

Rep. Carrie Ruud, Chair

Rep. Fong Hawj, Ranking Member

State Government Finance & Policy & Elections

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 second biennial report as required by Minnesota Statutes 16C.054. As you will read in this report, we received and granted one request for an exemption to the statutory acoustic requirements or hearing loop requirements in public gathering spaces.

While the statute does not require organizations receiving state funding to inform us if they have complied with the law, we intend to identify potential data sources for this information.

Sincerely,

A handwritten signature in black ink that reads 'Michele Isham'.

Michele Isham
Board Chair

A handwritten signature in black ink that reads 'Darlene Zangara'.

Dr. Darlene G. Zangara
Executive Director

Biennial exemptions report— Accommodation for hard-of-hearing in state-funded capital projects

January 2022

Michele Isham, Chair
Rebecca Thomas, Vice-Chair
Dr. Darlene G. Zangara, Executive Director

For questions regarding this report, please contact MNCDHH Government Relations Director Alicia Lane-Outlaw at mncdhh.info@state.mn.us.

Cost of report preparation

The total cost for the Commission to prepare this report was \$160.00. 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

Applicant	Date granted	Capital project	Reason for exemption	Comment
City of Plymouth	2/11/2021	Plymouth Creek Community Center.	Conflicts with other legal requirements.	In lieu of audio-induction loop system, installed assistive listening systems based on ADA-compliant Wi-Fi technology.

Conclusion

The Commission received and granted one exemption request during the 2020-2021 reporting period. Applicants are not required to inform the Commission if capital projects do comply with Minnesota Statutes 16C.054, so the Commission has no data about any projects that may have followed the statute.