

m MINNESOTA
COMMISSION OF THE DEAF,
DEAFBLIND & HARD OF HEARING

Rebecca Thomas, *Board Chair*
Dr. Darlene G. Zangara, *Executive Director*
The Minnesota Commission of the Deaf, DeafBlind & Hard of Hearing
444 Lafayette Rd. N
St. Paul, MN 55155-3814

January 30, 2024

To: Minnesota House of Representatives

Capital Investment

Rep. Fue Lee, Chair

Rep. Paul Anderson, Ranking Member

Legacy Finance

Rep. Leon Lillie, Chair

Rep. Jeff Backer, Ranking Member

State and Local Government Finance and Policy

Rep. Ginny Klevorn, Chair

Rep. Jim Nash, Ranking Member

Minnesota Senate

Capital Investment

Sen. Sandra L. Pappas, Chair

Sen. Karin Housley, Ranking Member

Environment, Climate, and Legacy Committee

Sen. Fong Hawj, Chair

Sen. Justin D. Eichorn, Ranking Member

State and Local Government and Veterans

Sen. Erin P. Murphy, Chair

Sen. Bruce D. Anderson, 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 one request for an exemption to the statutory acoustic requirements or hearing loop requirements in public gathering spaces. We requested and are reviewing additional information from the requestor before deciding whether to grant it.

Sincerely,



Rebecca Thomas
Board Chair



Dr. Darlene G. Zangara
Executive Director

444 Lafayette Rd. N., St. Paul, MN 55155-3814
651-431-5961 · mncdhh.info@state.mn.us · mn.gov/deaf-commission

*Advocating for communication access and equal opportunity with the 20% of
Minnesotans who are deaf, deafblind and hard of hearing.*

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

January 2024

Rebecca Thomas, Chair
John Fechter, 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

Conclusion

The Commission received one exemption request during the 2022–2023 reporting period. This exemption request was received near the end of the reporting period and is pending due to additional information requested and in review at the time of this writing. 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.