

**Legislative Action 1.4.11 – 1.21.11**  
**The Arc of Bismarck & The Arc of Cass County**  
**Prepared by Veronica Zietz**

**Testimony Provided:**

**Support HB 1073**

- This bill has various components; (1) Section 1 changes the term “mental retardation” to “intellectual disability” in section 15.1-32-01 of century code, (2) removes medical professionals as a required component on multi-disciplinary/IEP teams and (3) requires schools to obtain parental consent before accessing public or private insurance to pay for the cost of a student’s medically related disability. The Arc requested to leave medical professionals as part of the IEP team and supported the remainder of the bill.
- Engrossed Version Passed the House of Representatives 93-0.

**Oppose HB 1158**

- This bill provides business incentives for building and remodel projects for accessibility improvements. Section 1.1 provides for accessibility exceptions for businesses receiving less than \$100,000 and businesses located in cities with less than 10,000 people. Section 1.2 provides businesses the opportunity to be completely waived from making public areas accessible, if it is considered to be economically imprudent. Section 1.3b contains the definitions for “wheelchair-accessible”. This bill conflicts with the Americans with Disabilities Act. The Arc supported the bill’s concept, but suggested the waivers be removed in the following three areas: \$100,000 limitation, 10,000 population limitation, economically imprudent limitation and the bill use the ADA’s definition for accessible. The House I, B, L Committee amended the bill removing the waiver for cities with populations of less than 10,000.
- IBL Committee amended and voted do-pass. The amendment was passed on the floor and the engrossed version is going to a floor vote.

**Support SB 2079**

- This bill adds language to current law that would make it illegal for individuals to continue providing adult foster care services if they have had a license denied or revoked. The Human Services Committee sounds as if they are going to mark-up this bill, defining penalties and identifying a regulatory agency.
- No Action.

**Support SB 2137**

- This bill provides an exemption of sales and use tax for thrift stores owned by nonprofit organizations.
- No Action.

**Support SB 2093**

- This bill alters the definition of a mental injury and allows an employee to claim WSI benefits due to a mental injury incurred due to a violent crime. The Arc proposed an amendment to remove the word “intended” that appears in front of “victim” and to increase the monetary benefits and time limits for treatment.
- No Action.

#### **Support SB 2142**

- This bill removes the words "mental retardation" and “mentally retarded” from state statute. This bill is comprehensive and provides guidelines for future legislation, while not altering services or eligibility for individuals with a disability. The Arc proposed that the committee adopt an amendment that uses People First Language. The Arc prepared the amendment at the request of the committee.
- No Action.

#### **Support SCR 4006**

- This resolution repeals an article of the constitution that imposes a poll tax and makes derogatory references to people with intellectual disabilities.
- Passed in the Senate 46-0.

#### **Support SB 2163**

- This bill provides support for people with Traumatic Brain Injury in the following areas (1) provides training for teachers of students with TBI, (2) creates a registry of people with TBI in the Department of Human Services, (3) provides peer mentoring and resource facilitation services and (4) provides a fund for special services, supplies, etc.
- The Education Committee adopted an amendment; this version doesn’t include the registry section. The amendment was placed on the calendar; the floor re-referred the amendment back to the Education Committee.

#### **Support SB 2121**

- This bill repeals Century Code that contains the Developmental Disabilities Loan Fund and transfers outstanding balances to the Bank of ND. The Bank of ND will develop a different program specifically for providers with competitive rates in-house.
- The Human Services Committee amended to correct that amount of funds and voted do-pass. The amendment was passed on the floor and the engrossed version is going to a floor vote.

#### **Support SB 2210**

- This bill establishes an affordable housing fund within the state treasury; this fund can be used for gap assistance, rental assistance and accessibility improvements, etc. and provides a \$4 million appropriation during the biennium.
- No Action.

### **Hearings Attended:**

- **HB 1032** - This bill would provide for a mental health and substance abuse services pilot voucher payment program and would provide for a report to legislative management.
  - Signed in support on 1/10/11.
  - Failed in the House 16-74.
  
- **SB 2014** - This bill contains the Protection and Advocacy Project's budget.
  - Signed in support on 1/6/11.
  - No Action.
  
- **SB 2041** - This bill would allow examinations for involuntary commitment to be done through the use of telemedicine technology.
  - Signed in support 1/10/11.
  - No Action.
  
- **SB 2043** - This bill would create a developmental disabilities service providers payment system pilot project.
  - Signed in support 1/10/11.
  - No Action.
  
- **SB 2067** – This bill deals with newborn disease screening & research regarding metabolic and genetic diseases.
  - Signed in support 1/12/11.
  - Passed in the Senate 44-0.
  
- **SB 2084** - This bill deals with treatment of individuals with contagious tuberculosis.
  - Signed in as neutral 1/10/11.
  - Passed in the Senate 47-0.
  
- **SB 2097** – This bill deals with criminal history record checks of counselors.
  - Signed in support 1/10/11.
  - No Action.
  
- **SB 2153** – This bill deals with the state department of health's food program for individuals with metabolic diseases.
  - Signed in support 1/17/11.
  - Failed in the Senate 10-36.
  
- **SB 2012**– This bill contains the Department of Human Services' budget.
  - Signed in support 1/19/11.
  - No Action.