

## CHAPTER 256C

### PERSONS WITH DISABILITIES

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**256C.001** MS 2006 [Renumbered 15.001]

#### BLIND PERSONS

##### **256C.01 POSITION OF THE STATE WITH REGARD TO THE BLIND AND DISABLED.**

The state of Minnesota shall encourage and enable the blind, the visually disabled, and the otherwise physically disabled to participate fully in the social and economic life of the state and to engage in remunerative employment. The blind, the visually disabled, and the otherwise physically disabled shall be employed by the state, its political subdivisions, the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

**History:** 1969 c 900 s 1; 1971 c 70 s 3; 2005 c 56 s 1

##### **256C.02 PUBLIC ACCOMMODATIONS.**

The blind, the visually disabled, and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places; and are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, boats, or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Every totally or partially blind, physically disabled, or deaf person or any person training a dog to be a service dog shall have the right to be accompanied by a service dog in any of the places listed in section 363A.19. The person shall be liable for any damage done to the premises or facilities by such dog. The service dog must be capable of being properly identified as from a recognized school for seeing eye, hearing ear, service, or guide dogs.

**History:** 1969 c 900 s 2; 1977 c 247 s 1; 1984 c 655 art 1 s 42; 1986 c 444; 1987 c 141 s 1; 1989 c 108 s 1; 2005 c 56 s 1

**256C.025 HOUSING ACCOMMODATIONS.**

Subdivision 1. **Full and equal access.** Blind persons, visually disabled persons, and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation, subject to the conditions and limitations established by law and applicable alike to all persons.

Subd. 2. **Definition.** "Housing accommodations" means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Subd. 3. **Limitation on property provision.** Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify the property in any way or provide a higher degree of care for a blind person, visually disabled person, or other physically disabled person than for a person who is not physically disabled.

Subd. 4. **Service dog.** Every totally or partially blind, physically disabled, or deaf person who has a service dog, or who obtains a service dog, shall be entitled to full and equal access to all housing accommodations provided for in this section, and shall not be required to pay extra compensation for such service dog but shall be liable for any damage done to the premises by such service dog.

**History:** 1971 c 70 s 1; 1977 c 247 s 2; 1986 c 444; 1988 c 637 s 1; 2005 c 56 s 1

**256C.03 BLIND OR DEAF PEDESTRIANS; CIVIL LIABILITY.**

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a service dog, or totally or partially deaf person with a service dog identified with a burnt orange collar or leash, shall bring such vehicle to a stop and give the right-of-way at any intersection of any street, avenue, alley, or other public highway to such blind or deaf pedestrian.

**History:** 1969 c 900 s 3; 1971 c 70 s 4; 1977 c 247 s 3; 1988 c 637 s 2

**256C.04 PROCLAMATION BY GOVERNOR.**

Each year, the governor may take suitable public notice of October 15 as white cane safety day and may issue a proclamation in which the governor:

- (1) comments upon the significance of the white cane,
- (2) calls upon the citizens of the state to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled,
- (3) reminds the citizens of the state of the policies with respect to the disabled herein declared and urges the citizens to cooperate in giving effect to them, and
- (4) emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

**History:** 1969 c 900 s 4; 1986 c 444

**256C.05** [Repealed, 2014 c 262 art 4 s 9]

**256C.06 CITATION.**

Sections 256C.01 to 256C.06 shall be known and may be cited the "Minnesota White Cane Law."

**History:** 1969 c 900 s 6; 1971 c 70 s 6

**PERSONS WHO ARE DEAF, DEAFBLIND, HARD-OF-HEARING**

**256C.21 DEAF AND HARD-OF-HEARING SERVICES ACT; CITATION.**

Sections 256C.21 to 256C.26 may be cited as the "Deaf and Hard-of-Hearing Services Act."

**History:** 1980 c 574 s 1; 1993 c 306 s 7; 1999 c 159 s 54

**256C.22** [Repealed, 1996 c 392 s 7]

**256C.23 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 256C.21 to 256C.26, the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

Subd. 2. **Deaf.** "Deaf" means a hearing loss of such severity that the individual must depend primarily on visual communication such as writing, lip reading, manual communication, and gestures.

Subd. 2a. **Hard-of-hearing.** "Hard-of-hearing" means a hearing loss resulting in a functional loss of hearing, but not to the extent that the individual must depend primarily upon visual communication.

Subd. 2b. **Deafblind.** "Deafblind" means any combination of vision and hearing loss which interferes with acquiring information from the environment to the extent that compensatory strategies and skills are necessary to access that or other information.

Subd. 3. **Regional service center.** "Regional service center" means a facility designed to provide an entry point for deaf, deafblind, and hard-of-hearing persons of that region in need of education, employment, social, human, or other services.

Subd. 4. [Repealed by amendment, 1996 c 392 s 1]

Subd. 5. [Repealed by amendment, 1996 c 392 s 1]

**History:** 1980 c 574 s 3; 1993 c 306 s 9-11; 1996 c 392 s 1; 1999 c 159 s 55

**256C.233 DUTIES OF STATE AGENCIES.**

Subdivision 1. **Deaf and Hard-of-Hearing Services Division.** The commissioners of human services, education, employment and economic development, and health shall create a distinct and separate organizational unit to be known as the Deaf and Hard-of-Hearing Services Division to address the developmental, social, educational, and occupational needs of deaf, deafblind, and hard-of-hearing persons through a statewide network of collaborative services and by coordinating the promulgation of public policies, regulations, legislation, and programs affecting deaf, deafblind, and hard-of-hearing persons. An interdepartmental management team shall advise the activities of the Deaf and Hard-of-Hearing Services Division. The commissioner of human services shall coordinate the work of the interagency management team and receive legislative appropriations for the division.

Subd. 2. **Responsibilities.** The Deaf and Hard-of-Hearing Services Division shall:

(1) establish and maintain a statewide network of regional service centers for deaf, deafblind, and hard-of-hearing Minnesotans;

(2) assist the Departments of Human Services, Education, and Employment and Economic Development to coordinate the promulgation and implementation of public policies, regulations, legislation, programs, and services affecting deaf, deafblind, and hard-of-hearing persons; and

(3) provide a coordinated system of statewide interpreting or interpreter referral services.

Subd. 3. **Health.** The commissioner of health shall establish standards for screening for hearing loss with special emphasis on screening of persons from birth through school age and persons over age 65.

Subd. 4. **State commissioners.** The commissioners of all state agencies shall consult with the Deaf and Hard-of-Hearing Services Division concerning the promulgation of public policies, regulations, and programs necessary to address the needs of deaf, deafblind, and hard-of-hearing Minnesotans. Each state agency shall consult with the Deaf and Hard-of-Hearing Services Division concerning the need to forward legislative initiatives to the governor to address the concerns of deaf, deafblind, and hard-of-hearing Minnesotans.

**History:** 1996 c 392 s 2; 1999 c 149 s 2,3; 2003 c 130 s 12; 2004 c 206 s 36; 2009 c 86 art 1 s 89

#### **256C.24 REGIONAL SERVICE CENTERS.**

Subdivision 1. **Location.** The Deaf and Hard-of-Hearing Services Division shall establish up to eight regional service centers for deaf and hard-of-hearing persons. The centers shall be distributed regionally to provide access for deaf, deafblind, and hard-of-hearing persons in all parts of the state.

Subd. 2. **Responsibilities.** Each regional service center shall:

(1) serve as a central entry point for deaf, deafblind, and hard-of-hearing persons in need of services and make referrals to the services needed;

(2) employ staff trained to work with deaf, deafblind, and hard-of-hearing persons;

(3) provide to all deaf, deafblind, and hard-of-hearing persons access to interpreter services which are necessary to help them obtain services;

(4) implement a plan to provide loaned equipment and resource materials to deaf, deafblind, and hard-of-hearing persons;

(5) cooperate with responsible departments and administrative authorities to provide access for deaf, deafblind, and hard-of-hearing persons to services provided by state, county, and regional agencies;

(6) collaborate with the Resource Center for the Deaf and Hard-of-Hearing Persons, other divisions of the Department of Education, and local school districts to develop and deliver programs and services for families with deaf, deafblind, or hard-of-hearing children and to support school personnel serving these children;

(7) when possible, provide training to the social service or income maintenance staff employed by counties or by organizations with whom counties contract for services to ensure that communication barriers which prevent deaf, deafblind, and hard-of-hearing persons from using services are removed;

(8) when possible, provide training to state and regional human service agencies regarding program access for deaf, deafblind, and hard-of-hearing persons; and

(9) assess the ongoing need and supply of services for deaf, deafblind, and hard-of-hearing persons in all parts of the state and cooperate with public and private service providers to develop these services.

**Subd. 3. Advisory committee.** The director of the Deaf and Hard-of-Hearing Services Division shall appoint an advisory committee of up to nine persons for each regional service area. Members shall include persons who are deaf, deafblind, and hard-of-hearing, persons who have communication disabilities, parents of children who are deaf and hard-of-hearing, parents of children who have communication disabilities, and representatives of county and regional human services, including representatives of private service providers. At least 50 percent of the members must be deaf or deafblind or hard-of-hearing or have a communication disability. Committee members shall serve for a three-year term and shall serve no more than two consecutive terms. Each advisory committee shall elect a chair. The director of the Deaf and Hard-of-Hearing Services Division shall assign staff to serve as nonvoting members of the committee. Members shall not receive a per diem. Otherwise, the compensation, removal of members, and filling of vacancies on the committee shall be as provided in section 15.0575.

**History:** 1980 c 574 s 4; 1984 c 654 art 5 s 58; 1Sp1985 c 14 art 9 s 24; 1986 c 444; 1987 c 302 s 1,2; 1991 c 292 art 3 s 8; 1993 c 306 s 12; 1995 c 190 s 14; 1996 c 392 s 3; 2003 c 130 s 12; 2013 c 62 s 20

#### **256C.25 INTERPRETER SERVICES.**

**Subdivision 1. Establishment.** The Deaf and Hard-of-Hearing Services Division shall maintain and coordinate statewide interpreting or interpreter referral services for use by any public or private agency or individual in the state. The division shall directly coordinate these services but may contract with an appropriate agency to provide this service. The division may collect a \$3 fee per referral for interpreter referral services and the actual costs of interpreter services provided by department staff. Fees and payments collected shall be deposited in the general fund. The \$3 referral fee shall not be collected from state agencies or local units of government or deaf or hard-of-hearing consumers or interpreters.

**Subd. 2. Duties.** Interpreting or interpreter referral services must include:

(1) statewide access to interpreter referral and direct interpreting services, coordinated with the regional service centers;

(2) maintenance of a statewide directory of qualified interpreters;

(3) assessment of the present and projected supply and demand for interpreter services statewide; and

(4) coordination with the regional service centers on projects to train interpreters and advocate for and evaluate interpreter services.

**History:** 1980 c 574 s 5; 1Sp1985 c 14 art 9 s 25; 1987 c 302 s 3,4; 1991 c 292 art 3 s 9; 1993 c 306 s 13; 1996 c 392 s 4; 1999 c 149 s 4

**256C.26 EMPLOYMENT SERVICES.**

The commissioner of employment and economic development shall work with the Deaf and Hard-of-Hearing Services Division to develop and implement a plan to deal with the underemployment of deaf, deafblind, and hard-of-hearing persons.

**History:** 1980 c 574 s 6; 1Sp1985 c 14 art 9 s 26; 1987 c 403 art 2 s 102; 1993 c 306 s 14; 1994 c 483 s 1; 1996 c 392 s 5; 2004 c 206 s 52

**256C.261 SERVICES FOR DEAFBLIND PERSONS.**

(a) The commissioner of human services shall combine the existing biennial base level funding for deafblind services into a single grant program. At least 35 percent of the total funding is awarded for services and other supports to deafblind children and their families and at least 25 percent is awarded for services and other supports to deafblind adults.

The commissioner shall award grants for the purposes of:

(1) providing services and supports to individuals who are deafblind; and

(2) developing and providing training to counties and the network of senior citizen service providers. The purpose of the training grants is to teach counties how to use existing programs that capture federal financial participation to meet the needs of eligible deafblind persons and to build capacity of senior service programs to meet the needs of seniors with a dual sensory hearing and vision loss.

(b) The commissioner may make grants:

(1) for services and training provided by organizations; and

(2) to develop and administer consumer-directed services.

(c) Any entity that is able to satisfy the grant criteria is eligible to receive a grant under paragraph (a).

(d) Deafblind service providers may, but are not required to, provide intervenor services as part of the service package provided with grant funds under this section.

**History:** 2007 c 147 art 7 s 61

**256C.27** [Repealed, 1996 c 392 s 7]

**256C.28 COMMISSION OF DEAF, DEAFBLIND, AND HARD-OF-HEARING MINNESOTANS.**

Subdivision 1. **Membership.** The Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be deaf or deafblind or hard-of-hearing. Members shall include persons who are deaf, deafblind, and hard-of-hearing, parents of children who are deaf, deafblind, and hard-of-hearing, and representatives of county and regional human services, including representatives of private service providers. Commission members are appointed by the governor for a three-year term and shall serve no more than two consecutive terms. The commission shall select one member as chair.

Subd. 2. **Removal; vacancies.** The compensation, removal of members, and filling of vacancies on the commission are as provided in section 15.0575.

Subd. 3. **Mission.** The commission shall serve as the principal agency of the state to advocate on behalf of Minnesotans who are deaf, deafblind, and hard-of-hearing by working to ensure those persons have equal access to the services, programs, and opportunities available to others.

Subd. 3a. **Duties.** The commission shall:

(1) assist persons who are deaf, deafblind, and hard-of-hearing and parents of students who are deaf, deafblind, and hard-of-hearing in advocating for equal access to services, programs, and opportunities;

(2) advise the governor, the legislature, the judicial branch, and the commissioners of all state agencies on the development of policies, programs, and services affecting persons who are deaf, deafblind, and hard-of-hearing, and on the use of appropriate federal and state money;

(3) create a public awareness of the special needs and potential of persons who are deaf, deafblind, and hard-of-hearing;

(4) provide the governor, the legislature, and the commissioners of all state agencies with a review of ongoing services, programs, and proposed legislation affecting persons who are deaf, deafblind, and hard-of-hearing;

(5) advise the governor, the legislature, the judicial branch, and the commissioners of all state agencies on statutes, rules, and policies necessary to ensure that persons who are deaf, deafblind, and hard-of-hearing have equal access to benefits and services provided to individuals in Minnesota;

(6) recommend to the governor, the legislature, the judicial branch, and the commissioners of all state agencies legislation designed to improve the economic and social conditions of persons who are deaf, deafblind, and hard-of-hearing in Minnesota;

(7) propose solutions to problems of persons who are deaf, deafblind, and hard-of-hearing in the areas of education, employment, human rights, human services, health, housing, and other related programs;

(8) recommend to the governor, the legislature, and the commissioners of all state agencies any needed revisions in the state's affirmative action program and any other steps necessary to eliminate the underemployment or unemployment of deaf, deafblind, and hard-of-hearing persons in the state's work force;

(9) work with other state and federal agencies and organizations to promote economic development for Minnesotans who are deaf, deafblind, and hard-of-hearing; and

(10) coordinate its efforts with other state and local agencies serving persons who are deaf, deafblind, and hard-of-hearing.

Subd. 4. **Staff.** The commission may appoint, subject to the approval of the governor, an executive director who must be experienced in administrative activities and familiar with the problems and needs of persons who are deaf, deafblind, and hard-of-hearing. The commission may delegate to the executive director any powers and duties under this section that do not require commission approval. The executive director serves in the unclassified service and may be removed at any time by a majority vote of the commission. The executive director shall coordinate the provision of necessary support services to the commission with the Deaf and Hard-of-Hearing Services Division. The executive director may employ and direct staff necessary to carry out commission mandates, policies, activities, and objectives.

Subd. 5. **Powers.** The commission may contract in its own name. Contracts must be approved by a majority of the members of the commission and executed by the chair and the executive director. The

commission may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in this section.

Subd. 6. **Report.** The commission may prepare and distribute periodic reports to the state agency commissioners, the governor, and the legislature concerning the activities of the commission and the needs and concerns of Minnesotans who are deaf, deafblind, and hard-of-hearing.

Subd. 7. **Electronic meetings.** (a) The commission is subject to the requirements of chapter 13D, but may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the commission participating in the meeting, wherever their physical location, can communicate with one another and can hear, see, or feel all discussion and testimony;

(2) members of the public present at the regular meeting location of the commission can hear, see, or feel all discussion and testimony and all votes of members of the commission;

(3) at least one member of the commission is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so that each member's vote on each issue can be identified and recorded.

(b) Each member of the commission participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the commission, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The commission may require the person making a connection to pay for documented marginal costs that the commission incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c).

**History:** *1Sp1985 c 14 art 9 s 27; 1987 c 302 s 5,6; 1988 c 629 s 56; 1989 c 282 art 2 s 122-125; 1992 c 513 art 9 s 30,31; 1993 c 306 s 16; 1994 c 483 s 1; 1Sp1995 c 3 art 16 s 13; 1996 c 392 s 6; 2003 c 130 s 12; 2004 c 206 s 52; 2007 c 133 art 2 s 11; 2008 c 280 s 1; 2014 c 286 art 8 s 32*

**256C.29** [Repealed, 2014 c 262 art 4 s 9]

### **256C.30 DUTIES OF HUMAN SERVICES COMMISSIONER.**

(a) As described in this section, the commissioner of human services must enter into grant agreements with television stations to make live local news programming accessible to deaf, hard-of-hearing, and deafblind persons as defined in section 256C.23.

(b) The grant agreements must provide for:

(1) real-time captioning services for broadcasting that is not emergency broadcasting subject to Code of Federal Regulations, title 47, section 79.2;

(2) real-time captioning services for commercial broadcasters in areas of Minnesota where commercial broadcasters are not subject to the live programming closed-captioning requirements of Code of Federal Regulations, title 47, section 79.1(d); and

(3) real-time captioning for large-market noncommercial broadcasters who produce live news programming.

(c) For the purposes of this section, "real-time captioning" means a method of captioning in which captions are simultaneously prepared and transmitted at the time of origination by specially trained real-time captioners.

**History:** *2005 c 81 s 5,7; 2008 c 171 s 1; 2016 c 158 art 1 s 138*