

Testimony
Senate Bill 2105 - Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman

January 9, 2019

Chairman Lee and members of the Senate Human Services Committee, I am Aimee Volk, Vision and Independent Living Services Administrator with the Department of Human Services Division of Vocational Rehabilitation (Department). I am here today in support of Senate Bill 2105, which was introduced at the request of the Department. Also present today to assist with any questions is Robyn Throlson, Acting Director, Royce Schultze with Dakota Center for Independent Living and Scott Burlingame with Independence Center for Independent Living.

Senate Bill 2105 proposes amendments to N.D. Century Code chapter 50-06.5 relating to independent living centers and services. These changes are necessary to comply with federal law, the Workforce Innovation and Opportunity Act (WIOA) and final regulations that were enacted in 2014. This bill is a comprehensive review of chapter 50-06.5.

The proposed changes throughout the bill replaces “designated state agency” with “designated state entity”.

The proposed changes in Section 1 of this Bill updates federal citations; amends the definition for “center for independent living”, “consumer control”, “independent living core services”, and “independent living services”. Changes in this Section remove the definition of “disability” and add “individual with a disability and individual with a significant disability”.

The proposed changes in Section 2 of this Bill deletes statewide independent living and just states the council as “council” is defined in section 50-06.5-01 of the N.D. Century Code.

The proposed changes in Section 3 of this Bill amend from “membership of the council” to “requirements of the statewide independent living council”. This section updates membership and requirements of the statewide independent living council. The language being proposed to be removed from section 50-06.5-03 of the N.D. Century Code is to make the requirements of the statewide independent living council clear and

concise. The requirements of the council are set forth in section 796d of the federal Rehabilitation Act of 1973, as amended. In addition, page 4, lines 27 through 30 adds the requirement that the council cannot be established within a state agency, the council must be independent. As a housekeeping matter, page 5, lines 12 through 14 adds language for clarification, "At least fifty percent of the directors of the centers for independent living serving the state, or a designee if unable to meet the residency requirements of the state, must be members".

Proposed changes in Section 4 of this Bill is to add "statewide" on page 5, line 17. A federal citation reference is added for the duties of the statewide independent living council, and concise language is added regarding the state plan for independent living; state and federal reports; recordkeeping; coordinating with other state entities; and preparing, in conjunction with the designated state entity, a plan for the provision of resources needed to carry out the functions of the state plan for independent living and as defined within the federal Rehabilitation Act of 1973, as amended.

The proposed changes in Section 5 of this Bill is a housekeeping matter and will amend independent living centers to center for independent living. The state plan will be changed to state plan for independent living, and the director will be removed, as the Division of Vocational Rehabilitation is now the designated state entity. Page 6, lines 9 through 13 and 25 through 29 are being removed to allow for flexibility within the State Plan for Independent Living as allowed by the federal Rehabilitation Act of 1973, as amended.

The proposed changes in Section 6 of this Bill adds a citation for standards and assurances and removes lines 8 through 31 on page 7 and lines 1 and 2 on page 8. Further on page 8, the word "disabilities" is changed to "a disability or a significant disability" and "Standards" is changed to "standards and assurances". On line 16 of page 8, "for independent living" is added. Line 21 on page 8 replaces "503" with "796m" of the federal Rehabilitation Act of 1973, as amended. On page 9, lines 22 and 23 "approved grant application" is replaced with "annual report" and adds "or review". Lines 29 and 30 on page 9 are being removed to due to the changes in the federal Rehabilitation Act of 1973, as amended.

The proposed changes in Section 7 of this Bill change independent living centers to centers for independent living and removes all wording except "from sums appropriated in addition to those allocated for centers for independent living, the designated state entity may allocate funds, pursuant to the state plan for independent living to support the operation of centers for independent living." Lines 9 and 11 through 21 are being

removed to become compliant with the changes in the federal Rehabilitation Act of 1973, as amended.

The proposed changes in Section 8 of this Bill adds duties of the designated state entity based on the requirements of federal law. Federal law allows the centers for independent living to identify their designated state entity.

Section 9 of this Bill repeals section 50-06.5-05 of the N.D. Century Code regarding the state plan as it has been repealed in the federal Rehabilitation Act of 1973, as amended.

This concludes my testimony. We would be happy to answer any questions you may have.