HOUSE BILL NO. 614

INTRODUCED BY WYATT, VAN VALKENBURG, COCCHIARELLA, LYNCH, WALKER, GRADY, GOULD, PECK, HARRINGTON, MENAHAN, PAVLOVICH, DRISCOLL, BRADLEY, MARKS, O'CONNELL, MCDONOUGH, SQUIRES, KADAS, MCCORMICK, BACHINI, VINCENT

IN THE HOUSE

- FEBRUARY 8, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
- FEBRUARY 9, 1989 FIRST READING.
- FEBRUARY 16, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 17, 1989 PRINTING REPORT.
- FEBRUARY 18, 1989 SECOND READING, DO PASS AS AMENDED.
- FEBRUARY 20, 1989 ENGROSSING REPORT.

ON MOTION TAKEN FROM THIRD READING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.

- MARCH 15, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- MARCH 16, 1989 PRINTING REPORT.
- MARCH 18, 1989 SECOND READING, DO PASS.
- MARCH 20, 1989 ENGROSSING REPORT.
- MARCH 21, 1989 THIRD READING, PASSED. AYES, 64; NOES, 30.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 21, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY. FIRST READING.

MARCH 22, 1989 ON MOTION, REREFERRED TO COMMITTEE ON FINANCE & CLAIMS.

IN THE HOUSE

APRIL 8, 1989 ON MOTION, RULES SUSPENDED TO ALLOW TRANSMITTAL AFTER 83RD DAY

IN THE SENATE

APRIL 18, 1989 COMMITTEE RECOMMEND BILL BE NOT CONCURRED IN.

ON MOTION, BILL PRINTED AND PLACED ON SECOND READING ON THE 88TH LEGISLATIVE DAY.

APRIL 19, 1989 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN. AYES, 40; NOES, 10.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 20, 1989

APRIL 21, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS CONCURRED IN.

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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51st Legislature

HOUSE BILL NO. 614 1 to BY Wintt Va Vallenna Carehialli 2 3 A BELL FOR AN ACT ENTITLED: AN ACT ESTABLISHING A PROGRAM TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND 4 mint Arecency 5 ima Buchan SERVICES TO THE HANDICAPPED; PROVIDING FOR A STATEWIDE 6 7 DUAL-PARTY RELAY SYSTEM TO CONNECT PERSONS WHO ARE HANDICAPPED WITH ALL PHASES OF PUBLIC TELECOMMUNICATIONS 8 9 SERVICE: REOUIRING THE DEPARTMENT OF SOCIAL AND 10 REHABILITATION SERVICES TO ADMINISTER THE PROGRAM: 11 ESTABLISHING A COMMITTEE THAT INCLUDES MEMBERS OF 12 GOVERNMENT, BUSINESS, REGULATED TELECOMMUNICATIONS SERVICES, AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF 13 THE PROGRAM: AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE 14 CUSTOMERS TO FINANCE THE PROGRAM; AND PROVIDING AN EFFECTIVE 15 DATE." 16

17 18

STATEMENT OF INTENT

19 A statement of intent is required for this bill because 20 it requires the department of social and rehabilitation 21 services to adopt rules to administer and fund a program to 22 provide specialized telecommunications equipment and 23 services to persons who are handicapped.

It is the intent of the legislature that the department adopt rules, in accordance with [section 8], as may be

Montana Legislative Council

necessary to administer the program. Rules adopted by the
 department may address matters such as:

eligibility for participation in the program;

4 (2) the types of equipment and services to be provided5 under the program;

6 (3) the conditions and terms for the loan or lease of
7 specialized telecommunications equipment to eligible
8 participants in the program;

9 (4) requirements governing the purchase or lease of 10 specialized telecommunications equipment from qualified 11 wholesale manufacturers; and

(5) the definition of terms used in the bill.

13 In addition, the legislature intends that the 14 department annually adopt rules setting the charge on 15 telephone customers provided for in [section 12]. The charge 16 may not exceed 10 cents a month on each telephone access 17 line provided by each local exchange company, and the charge 18 may not be imposed on more than 100 access lines per 19 customer.

All rules adopted by the department are subject to
review and approval by the committee established in [section
3].

In adopting rules, the department should consider the
success of programs in other states that provide specialized
telecommunications equipment and services to the

-2- INTRODUCED BILL HB 614

LC 0638/01

handicapped, including programs established in Oregon and
 Idaho.

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4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

5 NEW SECTION. Section 1. Legislative findings and 6 declaration. (1) The legislature finds and declares that 7 many Montana citizens are physically handicapped and are в unable to use traditional telecommunications equipment and services without assistance. These citizens constitute a 9 10 substantial and valuable resource within the United States 11 and the state of Montana, and this segment of our population 12 needs access to telecommunications services in order to 13 function as contributing and productive members of our 14 society.

15 (2) The legislature further finds and declares that 16 the role of telecommunications in our world today is 17 inestimable. Telecommunications is the primary vehicle of 18 commerce and industry, the means to convey and receive information and knowledge, and the way we connect with 19 20 others on a personal as well business level. as 21 Telecommunications gives people independence and 22 self-sufficiency, and it provides goods and services, human 23 contact, and fellowship.

(3) The legislature further finds that access totelecommunications services should be provided to persons

LC 0638/01

who are handicapped not only for their own sake but for the
 benefit of society at large. Access to telecommunications
 services would enhance the business and personal lives of
 handicapped persons, and its availability to the handicapped
 would be an investment of benefit to all of Montana.

6 (4) Consistent with the findings stated in subsections 7 (1) through (3), the legislature finds it appropriate to 8 provide handicapped persons access to telecommunications 9 services by creating a program to make specialized 10 telecommunications equipment and services available to the 11 handicapped.

NEW SECTION. Section 2. Definitions. As used in {this act}, unless the context requires otherwise, the following definitions apply:

15 (1) "Committee" means the committee on
16 telecommunications services for the handicapped established
17 in [section 3].

18 (2) "Department" means the department of social and
19 rehabilitation services provided for in 2-15-2201.

(3) "Dual-party relay system" means a service that
permits full and simultaneous communication between those
using telecommunications devices for the deaf (TDD) and
those using conventional telephone equipment.

24 (4) "Handicapped" means the condition of a person who25 is blind, deaf, hearing-impaired, or speech-impaired.

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1 (5) "Local exchange company" means a 2 telecommunications company that provides telephone access 3 lines to members of the general public who are its 4 customers.

5 (6) "Program" means the program established in6 [section 7].

(7) "Specialized telecommunications equipment" means 7 any telecommunications device that enables or assists a 8 person who is handicapped to communicate with others by 9 10 means of the conventional telephone network. The term includes but is not limited to telecommunications devices 11 for the deaf (TDD), amplifiers, signaling devices, puff-blow 12 devices, electronic artificial larynx devices, and 13 telebraille. 14

15 (8) "Telephone access line" means the telephone 16 exchange access line or channel that provides access from 17 the premises of a customer of a local exchange company to 18 the telecommunications network to effect the transfer of 19 information.

 20
 NEW SECTION.
 Section 3.
 Committee
 on

 21
 telecommunications services for the handicapped - - -

 22
 composition -- allocation. (1) There is a committee on
 - communications services for the handicapped.

24 (2) The committee consists of 11 members appointed by25 the governor as follows:

(a) four members who are handicapped, two of whom must
 be deaf or hearing-impaired;

3 (b) two members who are not handicapped, one of whom 4 must be engaged in a business other than a business in the 5 telecommunications industry and one of whom must be a senior 6 citizen:

7 (c) one member from the department of social and8 rehabilitation services;

9 (d) one member from the largest local exchange company 10 in Montana;

11 (e) one member from an independent local exchange 12 company;

13 (f) one member from an interLATA interexchange 14 carrier; and

(g) one member from the public service commission.

16 (3) The committee is allocated to the department of
17 social and rehabilitation services for administrative
18 purposes only as provided in 2-15-121.

19 <u>NEW SECTION.</u> Section 4. Term of office -- vacancies. 20 (1) Each member of the committee shall serve for a term of 3 21 years, except that the governor shall appoint four of the 22 initial members to serve terms of 1 year and four of the 23 initial members to serve terms of 2 years.

24 (2) A vacancy on the committee must be filled in the25 same manner as the original appointment.

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-6-

LC 0638/01

1 <u>NEW SECTION.</u> Section 5. Officers -- meetings --2 quorum -- compensation. (1) The committee shall choose a 3 chairman from its members.

4 (2) The committee shall meet at least once every 3 5 months and at such other times as determined by the chairman 6 or by a majority of the committee.

7 (3) Six members of the committee constitute a quorum8 for the transaction of business.

9 (4) All members of the committee are entitled to 10 reimbursement of expenses as provided in 2-18-501 through 11 2-18-503. Members of the committee who are not state 12 employees are also entitled to receive compensation of \$50 13 for each day they are engaged in official business of the 14 committee.

15 <u>NEW SECTION.</u> Section 6. Power and duties. The 16 committee shall oversee administration of the program 17 provided for in [section 7]. In fulfilling this duty, the 18 committee shall:

19 (1) establish policies and procedures governing20 administration of the program;

(2) analyze and approve a budget for administration of
 services under the program;

(3) monitor the expenditure of funds for the program;
(4) approve or disapprove the charge on telephone
customers provided for in (section 12); and

(5) perform any other duties necessary to properly
 oversee administration of the program.

established NEW SECTION. Section 7. Program 3 purpose. (1) Subject to approval of the committee provided 4 for in [section 3], the department shall establish and 5 provide specialized 6 administer а program to telecommunications equipment and services to persons who are 7 R handicapped.

(2) The purpose of the program is to:

9

10 (a) furnish specialized telecommunications equipment11 to meet the needs of persons who are handicapped; and

(b) provide a dual-party relay system to connect
persons who are handicapped with all phases of public
telecommunications service, including telecommunications
service to emergency services and public safety agencies as
defined in 10-4-101.

17 <u>NEW SECTION.</u> Section 8. Powers and duties of
18 department. In administering the program established in
19 [section 7], the department shall:

20 (1) develop an appropriate means test to determine21 eligibility for participation in the program;

(2) require that participants in the program be
residents of Montana and that residency be maintained as a
condition of eligibility for continued participation in the
program;

-7-

-8-

(3) require that participants provide satisfactory
 evidence that they are handicapped and would benefit from
 the use of specialized telecommunications equipment;

4 (4) provide specialized telecommunications equipment 5 to participants on the basis of a loan or lease arrangement 6 that may include cost-sharing between the handicapped person 7 and his employer;

8 (5) determine the type of specialized
9 telecommunications equipment it considers necessary and
10 economically feasible for use by Montana's handicapped;

11 (6) purchase or lease all specialized
12 telecommunications equipment through bid by wholesale
13 manufacturers on a competitive basis;

14 (7) require, as a condition of each equipment purchase
15 or lease, that the original manufacturer provide repair and
16 maintenance service for new and returned equipment;

17 (8) maintain records of each item of equipment,
18 including the location, serial number, and telephone number
19 of each device;

(9) require an appropriate security deposit for
equipment at the time of delivery, which deposit must be
refunded without interest when the equipment is returned;

(10) make reasonable efforts to recover equipment from
those who become ineligible for continued participation in
the program;

(11) provide a dual-party relay system that, if 1 feasible, would be available statewide for operation 7 days 2 3 a week, 24 hours a day, including holidays: (12) implement the service described in subsection (11) 4 5 within 1 year following [the effective date of this act]; 6 and (13) adopt rules necessary to administer the program. 7 NEW SECTION. Section 9. Dual-party relay system --8 9 requirements. The department shall contract with a qualified 10 provider to design and implement a dual-party relay system that fulfills the purpose described in [section 7]. The 11 department shall require, under the terms of the contract, 12 13 that: 14 (1) the system relay all messages promptly and 15 accurately; 16 (2) the system maintain the privacy of persons using 17 the system; and (3) the provider preserve the confidentiality of all 18 telephone communications, except in instances in which such 19 confidentiality would further a violation of the law. 20 21 NEW SECTION. Section 10. Gifts and grants. The

department may accept contributions, gifts, and grants, in money or otherwise, to the program established in [section 7]. Monetary contributions, gifts, and grants must be deposited in the fund provided for in [section 11].

-9-

-10-

LC 0638/01

NEW SECTION.Section 11.Pund for telecommunicationsservices for the handicapped.(1) There is a fund fortelecommunications services for the handicapped in the statespecial revenue fund in the state treasury. The fundconsists of:

6 (a) all monetary contributions, gifts, and grants
7 received by the department as provided in (section 10); and
8 (b) all charges billed and collected pursuant to
9 [section 12].

10 (2) The money in the fund is allocated to the11 committee for purposes of implementing [this act].

12 (3) All expenditures of the committee and of the
13 department in administering [this act] must be paid from
14 money deposited in the fund.

NEW SECTION. Section 12. Special assessment. (1) The department shall annually establish by rule a charge that, together with any surplus revenues carried forward from the previous year, fully covers the cost of administering [this act]. The charge may not exceed 10 cents a month on each telephone access line provided and billed by each local exchange company.

(2) The department shall determine the charge provided
for in subsection (1) no later than September 1 of each
year, with the new charge to take effect at the beginning of
the first billing period of each customer on or after

LC 0638/01

January 1 of the following year. The department shall
 promptly publish the new charge and shall provide to each
 local exchange company notice of the new charge by certified
 mail at least 90 days before the new charge is to become
 effective.

6 (3) Each customer of a local exchange company is 7 liable for payment to the local exchange company of any 8 charge properly imposed pursuant to (this act). The local 9 exchange company is not liable for any uncollected charge, 10 nor does the company have an obligation to take legal action 11 to enforce the collection of any charge that is unpaid by 12 its customers.

(4) Each local exchange company shall bill each 13 customer for the charge provided for in subsection (1). 14 15 Except as provided in subsection (5), all charges billed and collected by a local exchange company must be transmitted to 16 17 the state treasurer no later than the last day of the month following the end of each calendar guarter in which the 18 charge is billed. All charges received by the state 19 treasurer must be deposited in the fund established in 20 [section 11] to the credit of the department. 21

(5) Each local exchange company may deduct and retain
3/4 of 1% of the total charges billed and collected each
month to cover its administrative expenses in complying with
the requirements of subsection (4).

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-12-

<u>NEW SECTION.</u> Section 13. Records -- audit. (1) Each
 local exchange company shall maintain a record of the
 charges billed and the charges collected pursuant to
 [section 12] for a period of 1 year from the date of billing
 or collection, respectively.

6 (2) The department may require an audit of each local
7 exchange company's records to assure proper accounting of
8 all charges billed and collected pursuant to {section 12}.
9 The audit must be conducted at the expense of the
10 department.

11 <u>NEW SECTION.</u> Section 14. Codification instruction. 12 (1) [Sections 1, 2, and 4 through 13] are intended to be 13 codified as an integral part of Title 69, chapter 3, and the 14 provisions of Title 69, chapter 3, apply to [sections 1, 2, 15 and 4 through 13].

16 (2) [Section 3] is intended to be codified as an
17 integral part of Title 2, chapter 15, part 22, and the
18 provisions of Title 2, chapter 15, part 22, apply to
19 [section 3].

20 <u>NEW SECTION.</u> Section 15. Effective date. [This act]
21 is effective July 1, 1989.

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-13-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB614, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act establishing a program to provide specialized telecommunications equipment and services to the handicapped; providing for a statewide dual-party relay system to connect persons who are handicapped with all phases of public telecommunications service; requiring the Department of Social and Rehabilitation Services to administer the program; establishing a committee that includes members of government, business, regulated telecommunications services, and the handicapped to oversee administration of the program; authorizing a 10-cent monthly charge on telephone customers to finance the program; and providing an immediate effective date and an applicability date. <u>ASSUMPTIONS</u>:

1. It is estimated that 400 individuals will be served.

2. Total phone lines available for fee are 347,289 per year.

3. Fee of \$0.10 per line is established for a minimum of 2 years.

- 4. All client or relay purchases are made in FY91.
- 5. The Department of Social and Rehabilitation Services is not allowed to charge indirect costs to the program.

6. First revenues are collected 30 days after the first quarter fees are assessed.

7. SRS will need 2.0 FTE to administer the program--Grade 15 and Grade 10.

8. The advisory committee is appointed and in place by May 1, 1990 and will meet once per month in FY91. FISCAL IMPACT: FY90 FY91

| FIDCAL IMFAGI: | _ | | _ 1190 | | _ | | <u>F191</u> | |
|--------------------|-----|------|----------|------------|-----|------|-------------|------------|
| | Cur | rent | Proposed | | Cur | rent | Proposed | |
| | I | aw | Law | Difference | I_ | aw | Law | Difference |
| Personal Services | \$ | 0 | \$ 8,029 | \$ 8,029 | \$ | 0 | \$ 48,175 | \$ 48,175 |
| Operating Expenses | | 0 | 19,000 | 19,000 | | 0 | 51,900 | 51,900 |
| Capitol Outlay | | 0 | 4,210 | 4,210 | | 0 | 232,000 | 232,000 |
| Benefits | | 0 | 0 | 0 | | 0 | 82,500 | 82,500 |
| Total | \$ | 0 | \$31,239 | \$ 31,239 | \$ | 0 | \$414,575 | \$414,575 |
| Revenue Impact: | | | | | | | | |
| State Special | \$ | 0 | \$92,000 | \$ 92,000 | \$ | 0 | \$416,000 | \$416,000 |

TECHNICAL NOTE:

The bill does not contain an appropriation allowing SRS to expend state special revenue collected to offset the costs of providing the service. The bill does not define the means test contained in Section 8 (1).

DATE 2/20/89

RAY SHACKLEFORD, BUDGET DIRECTOR OFFICE OF BUDGET AND PROGRAM PLANNING

DIANA E. WYATT, PRIMARY SPONSOR

Fiscal Note for HB614, as introduced

DATE 2/21/89

51st Legislature

HB 0614/02

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APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE BILL NO. 614
 INTRODUCED BY WYATT, VAN VALKENBURG, COCCHIARELLA, LYNCH,
 WALKER, GRADY, GOULD, PECK, HARRINGTON, MENAHAN,
 PAVLOVICH, DRISCOLL, BRADLEY, MARKS, O'CONNELL, MCLANE,
 SQUIRES, KADAS, MCCORMICK, BACHINI, VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM 7 8 TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND 9 SERVICES TO THE HANDICAPPED: PROVIDING FOR A STATEWIDE TO CONNECT PERSONS WHO ARE RELAY SYSTEM 10 DUAL-PARTY 11 HANDICAPPED WITH ALL PHASES OF PUBLIC TELECOMMUNICATIONS THE DEPARTMENT OF SOCIAL 12 SERVICE: REQUIRING AND REHABILITATION SERVICES TO ADMINISTER THE PROGRAM; 13 14 ESTABLISHING A COMMITTEE THAT INCLUDES MEMBERS OF GOVERNMENT, BUSINESS, REGULATED TELECOMMUNICATIONS SERVICES, 15 AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF THE 16 PROGRAM: AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE 17 CUSTOMERS TO FINANCE THE PROGRAM; PROVIDING A STATUTORY 18 19 APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE." 20

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STATEMENT OF INTENT

A statement of intent is required for this bill because
it requires the department of social and rehabilitation
services to adopt rules to administer and fund a program to

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provide specialized telecommunications equipment and
 services to persons who are handicapped.

3 It is the intent of the legislature that the department 4 adopt rules, in accordance with {section 8}, as may be 5 necessary to administer the program. Rules adopted by the 6 department may address matters such as:

eligibility for participation in the program;

8 (2) the types of equipment and services to be provided9 under the program;

(3) the conditions and terms for the loan or lease of
specialized telecommunications equipment to eligible
participants in the program;

13 (4) requirements governing the purchase or lease of
14 specialized telecommunications equipment from qualified
15 wholesale manufacturers; and

16 (5) the definition of terms used in the bill.

17 In addition, the legislature intends that the department--annually--adopt--rules--setting--the PROGRAM BE 18 19 SELF-SUPPORTING AND BE FUNDED BY A 10-CENT MONTHLY charge on telephone customers provided for in [section 12]. The-charge 20 21 may-not-exceed-10-cents-a-month--on--each--telephone--access 22 line-provided-by-each-local-exchange-company7-and-the-charge may--not--be--imposed --on--more--than--100--access-lines-per 23 24 customer-

25 All rules adopted by the department are subject to

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SECOND READING

| 2 | 3]. |
|----|--|
| 3 | In adopting rules, the department should consider the |
| 4 | success of programs in other states that provide specialized |
| 5 | telecommunications equipment and services to the |
| 6 | handicapped, including programs established in Oregon and |
| 7 | Idaho. |
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| 9 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 10 | NEW SECTION. Section 1. Legislative Findings and |
| 11 | declaration. (1) The legislature finds and declares that |
| 12 | many Montana citizens are physically handicapped and are |
| 13 | unable to use traditional telecommunications equipment and |
| 14 | services without assistance. These citizens constitute a |
| 15 | substantial and valuable resource within the United States |
| 16 | and the state of Montana, and this segment of our population |
| 17 | needs access to telecommunications services in order to |
| 18 | function as contributing and productive members of our |
| 19 | society. |
| | |

review and approval by the committee established in [section

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20 (2) The legislature further finds and declares that 21 the role of telecommunications in our world today is 22 inestimable. Telecommunications is the primary vehicle of 23 commerce and industry, the means to convey and receive 24 information and knowledge, and the way we connect with 25 well as business level. others on a personal as

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1 Telecommunications people independence and aives 2 self-sufficiency, and it provides goods and services, human 3 contact, and fellowship.

4 (3) The legislature further finds that access to 5 telecommunications services should be provided to persons 6 who are handicapped not only for their own sake but for the 7 benefit of society at large. Access to telecommunications 8 services would enhance the business and personal lives of 9 handicapped persons, and its availability to the handicapped 10 would be an investment of benefit to all of Montana.

11 (4) Consistent with the findings stated in subsections (1) through (3), the legislature finds it appropriate to 12 13 provide handicapped persons access to telecommunications 14 services by creating a program to make specialized 15 telecommunications equipment and services available to the 16 handicapped.

17 NEW SECTION. Section 2. Definitions. As used in (this 18 act], unless the context requires otherwise, the following 19 definitions apply:

(1) "Committee" 20 the means committee on telecommunications services for the handicapped established 21 22 in [section 3].

(2) "Department" means the department of social and 23 24 rehabilitation services provided for in 2-15-2201.

(3) "Dual-party relay system" means a service that 25

HB 614

-4-

HB 614

HB 0614/02

permits full and simultaneous communication between those
 using telecommunications devices for the deaf (TDD) and
 those using conventional telephone equipment.

4 (4) "Handicapped" means the condition of a person who 5 is blind, deaf, hearing-impaired <u>HARD-OF-HEARING</u>, or 6 speech-impaired.

7 (5) "Local exchange company" means a
8 telecommunications company that provides telephone access
9 lines to members of the general public who are its
10 customers.

11 (6) "Program" means the program established in
12 [section 7].

(7) "Specialized telecommunications equipment" means 13 any telecommunications device that enables or assists a 14 person who is handicapped to communicate with others by 15 means of the conventional telephone network. The term 16 includes but is not limited to telecommunications devices 17 for the deaf (TDD), amplifiers, signaling devices, puff-blow 18 electronic artificial larynx devices, and 19 devices, telebraille. 20

(8) "Telephone access line" means the telephone
exchange access line or channel that provides access from
the premises of a customer of a local exchange company to
the telecommunications network to effect the transfer of
information.

1 NEW SECTION. Section 3. Committee on 2 telecommunications services for the handicapped composition -- allocation. (1) There is a committee on 3 4 telecommunications services for the handicapped. 5 (2) The committee consists of 11 members appointed by 6 the governor as follows: (a) four members who are handicapped, two of whom must 7 be deaf or hearing-impaired HARD-OF-HEARING; 8 9 (b) two members who are not handicapped, one of whom must be engaged in a business other than a business in the 10 11 telecommunications industry and one of whom must be a senior citizen: 12 13 (c) one member from the department of social and 14 rehabilitation services: 15 (d) one member from the largest local exchange company 16 in Montana: 17 (e) one member from an independent local exchange 18 company; (f) one member from an interLATA interexchange 19 carrier; and 20 21 (g) one member from the public service commission. 22 (3) The committee is allocated to the department of 23 social and rehabilitation services for administrative

24 purposes only as provided in 2-15-121.

25 NEW SECTION. Section 4. Term of office -- vacancies.

-6-

-5-

HB 614

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(1) Each member of the committee shall serve for a term of 3
 years, except that the governor shall appoint four of the
 initial members to serve terms of 1 year and four of the
 initial members to serve terms of 2 years.

5 (2) A vacancy on the committee must be filled in the6 same manner as the original appointment.

7 <u>NEW SECTION.</u> Section 5. Officers -- meetings -8 quorum -- compensation. (1) The committee shall choose a
9 chairman from its members.

10 (2) The committee shall meet at least once every 3
11 months and at such other times as determined by the chairman
12 or by a majority of the committee.

13 (3) Six members of the committee constitute a quorum14 for the transaction of business.

15 (4) All members of the committee are entitled to 16 reimbursement of expenses as provided in 2-18-501 through 17 2-18-503. Members of the committee who are not state 18 employees are also entitled to receive compensation of \$50 19 for each day they are engaged in official business of the 20 committee.

<u>NEW SECTION.</u> Section 6. Power and duties. The
committee shall oversee administration of the program
provided for in {section 7}. In fulfilling this duty, the
committee shall:

25 (1) establish policies and procedures governing

(2) analyze and approve a budget for administration of 2 3 services under the program; (3) monitor the expenditure of funds for the program; 4 5 AND t4)--approve--or--disapprove--the--charge--on-telephone 6 customers-provided-for-in-fsection-1217-and 7 (5)(4) perform any other duties necessary to properly 8 9 oversee administration of the program. established 10 NEW SECTION. Section 7. Program 11 purpose. (1) Subject to approval of the committee provided 12 for in [section 3], the department shall establish and provide specialized 13 administer a program to 14 telecommunications equipment and services to persons who are handicapped. 15 16 (2) The purpose of the program is to: 17 (a) furnish specialized telecommunications equipment

administration of the program;

18 to meet the needs of persons who are handicapped; and

(b) provide a dual-party relay system to connect
persons who are handicapped with all phases of public
telecommunications service, including telecommunications
service to emergency services and public safety agencies as
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HB 614

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HB 614

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2 (1) develop an appropriate means test to determine3 eligibility for participation in the program;

4 (2) require that participants in the program be 5 residents of Montana and that residency be maintained as a 6 condition of eligibility for continued participation in the 7 program;

8 (3) require that participants provide satisfactory
9 evidence that they are handicapped and would benefit from
10 the use of specialized telecommunications equipment;

(4) provide specialized telecommunications equipment to participants on the basis of a loan or lease arrangement that may include cost-sharing between the handicapped person and his employer;

15 (5) determine the type of specialized
16 telecommunications equipment it considers necessary and
17 economically feasible for use by Montana's handicapped;

18 (6) purchase or lease all specialized
19 telecommunications equipment through bid by wholesale
20 manufacturers on a competitive basis;

(7) require, as a condition of each equipment purchase
or lease, that the original manufacturer provide repair and
maintenance service for new and returned equipment;

(8) maintain records of each item of equipment,including the location, serial number, and telephone number

-9-

1 of each device;

2 (9) require an appropriate security deposit for 3 equipment at the time of delivery, which deposit must be 4 refunded without interest when the equipment is returned;

5 (10) make reasonable efforts to recover equipment from
6 those who become ineligible for continued participation in
7 the program;

8 (11) provide a dual-party relay system that, if
9 feasible, would be available statewide for operation 7 days
10 a week, 24 hours a day, including holidays;

11 (12) implement the service described in subsection (11) 12 within 1 year following [the effective date of this act]; 13 and

14 (13) adopt rules necessary to administer the program.

NEW SECTION. Section 9. Dual-party relay system -requirements. The department shall contract with a qualified provider to design and implement a dual-party relay system that fulfills the purpose described in [section 7]. The department shall require, under the terms of the contract, that:

21 (1) the system relay all messages promptly and 22 accurately;

23 (2) the system maintain the privacy of persons using24 the system; and

25 (3) the provider preserve the confidentiality of all

-10-

telephone communications, except in instances in which such
 confidentiality would further a violation of the law.

3 <u>NEW SECTION.</u> Section 10. Gifts and grants. The 4 department may accept contributions, gifts, and grants, in 5 money or otherwise, to the program established in [section 6 7]. Monetary contributions, gifts, and grants must be 7 deposited in the fund provided for in [section 11].

8 <u>NEW SECTION.</u> Section 11. Fund for telecommunications 9 services for the handicapped. (1) There is a-fund <u>AN ACCOUNT</u> 10 for telecommunications services for the handicapped in the 11 state special revenue fund in the state treasury. The fund 12 <u>ACCOUNT</u> consists of:

13 (a) all monetary contributions, gifts, and grants
14 received by the department as provided in [section 10]; and
15 (b) all charges billed and collected pursuant to
16 [section 12].

17 (2) The money in the fund <u>ACCOUNT IS STATUTORILY</u>
18 <u>APPROPRIATED, AS PROVIDED IN 17-7-502, AND</u> is allocated to
19 the committee for purposes of implementing [this act].

(3) All expenditures of the committee and of the
department in administering [this act] must be paid from
money deposited in the fund ACCOUNT.

NEW SECTION. Section 12. Special assessment. (1) The
 department-shall-annually-establish-by-rule-a--charge--that;
 together--with-any-surplus-revenues-carried-forward-from-the

previous-year7-fully-covers-the-cost-of-administering--{this
 act}.-The A charge may-not-exceed OF 10 cents a month MAY BE
 ASSESSED on each telephone access line provided and billed
 by each local exchange company AND IS IMPOSED FOR THE
 PURPOSES OF [THIS ACT].

6 +2)--The-department-shall-determine-the-charge-provided 7 for--in--subsection--(1)--no--later-than-September-l-of-each yeary-with-the-new-charge-to-take-effect-at-the-beginning-of 8 9 the-first-billing--period--of--each--customer--on--or--after 10 January--1--of--the--following--year;--The--department-shall promptly-publish-the-new-charge-and-shall--provide--to--each 11 12 local-exchange-company-notice-of-the-new-charge-by-certified mail--at--least--90--days-before-the-new-charge-is-to-become 13 effective-14

15 (3)(2) Each customer of a local exchange company is 16 liable for payment to the local exchange company of any 17 charge properly imposed pursuant to [this act]. The local 18 exchange company is not liable for any uncollected charge, 19 nor does the company have an obligation to take legal action 20 to enforce the collection of any charge that is unpaid by 21 its customers.

22 (4)(3) Each local exchange company shall bill each 23 customer for the charge provided for in subsection (1). 24 Except as provided in subsection (5) (4), all charges billed 25 and collected by a local exchange company must be

-11-

HB 614

-12-

1 transmitted to the state treasurer no later than the last 2 day of the month following the end of each calendar quarter 3 in which the charge is billed. All charges received by the 4 state treasurer must be deposited in the fund established in 5 [section 11] to the credit of the department.

6 (5)(4) Each local exchange company may deduct and
7 retain 3/4 of 1% of the total charges billed and collected
8 each month to cover its administrative expenses in complying
9 with the requirements of subsection (4) (3).

10 <u>NEW SECTION.</u> Section 13. Records -- audit. (1) Each 11 local exchange company shall maintain a record of the 12 charges billed and the charges collected pursuant to 13 [section 12] for a period of 1 year from the date of billing 14 or collection, respectively.

15 (2) The department may require an audit of each local exchange company's records to assure proper accounting of all charges billed and collected pursuant to [section 12]. 18 The audit must be conducted at the expense of the 19 department.

20 **SECTION 14.** SECTION 17-7-502, MCA, IS AMENDED TO READ: 21 "17-7-502. Statutory appropriations -- definition --22 requisites for validity. (1) A statutory appropriation is an 23 appropriation made by permanent law that authorizes spending 24 by a state agency without the need for a biennial 25 legislative appropriation or budget amendment. (2) Except as provided in subsection (4), to be
 effective, a statutory appropriation must comply with both
 of the following provisions:

4 (a) The law containing the statutory authority must be5 listed in subsection (3).

6 (b) The law or portion of the law making a statutory
7 appropriation must specifically state that a statutory
8 appropriation is made as provided in this section.

9 (3) The following laws are the only laws containing 10 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-312; 10-3-314; 11 10-3-203: 10-4-301; 13 - 37 - 304; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 12 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 13 14 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 15 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 16 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20 - 8 - 111;23-5-610; 23-5-1027; 17 33-31-212; 33-31-401: 37-51-501: 39-71-2504; 53-6-150; 53-24-206; [SECTION 11]; 67-3-205; 18 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 19 80-2-228; 20 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306: 90-15-103; section 13, House Bill No. 861, Laws of 1985; and 21 section 1, Chapter 454, Laws of 1987. 22

(4) There is a statutory appropriation to pay the
principal, interest, premiums, and costs of issuing, paying,
and securing all bonds, notes, or other obligations, as due,

-13-

HB 614

-14-

1 that have been authorized and issued pursuant to the laws of 2 Montana. Agencies that have entered into agreements 3 authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 4 17-2-107, as determined by the state treasurer, an amount 5 6 sufficient to pay the principal and interest as due on the 7 bonds or notes have statutory appropriation authority for 8 such payments. (In subsection (3): pursuant to sec. 15, Ch. 9 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 10 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion 11 of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 12 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 13 1987, terminates July 1, 1988.)"

 NEW SECTION.
 Section 15.
 Codification
 instruction.

 15
 (1)--{Sections-17--27--and-4-through-13}-are-intended-to-be
 codified-as-an-integral-part-of-Title-697-chapter-37-and-the

 16
 codified-as-an-integral-part-of-Title-697-chapter-37-and-the

 17
 provisions-of-Title-697-chapter-37-apply-to-{sections-17--27

 18
 and-4-through-13]7

19 (2) [Section 3] is intended to be codified as an 20 integral part of Title 2, chapter 15, part 22, and the 21 provisions of Title 2, chapter 15, part 22, apply to 22 [section 3].

23 <u>NEW SECTION.</u> Section 16. Effective date. [This act]
24 is effective July 1, 1989.

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-15-

51st Legislature

HB 0614/04

HB 0614/04

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| | | | | AS | ; | A | ME | :N | DË | D | |

| 1 | HOUSE BILL NO. 614 |
|----|--|
| 2 | INTRODUCED BY WYATT, VAN VALKENBURG, COCCHIARELLA, LYNCH, |
| 3 | WALKER, GRADY, GOULD, PECK, HARRINGTON, MENAHAN, |
| 4 | PAVLOVICH, DRISCOLL, BRADLEY, MARKS, O'CONNELL, MCLANE, |
| 5 | SQUIRES, KADAS, MCCORMICK, BACHINI, VINCENT |
| 6 | |
| 7 | A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM |
| 8 | TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND |
| 9 | SERVICES TO THE HANDICAPPED; PROVIDING FOR A STATEWIDE |
| 10 | DUAL-PARTY RELAY SYSTEM TO CONNECT PERSONS WHO ARE |
| 11 | HANDICAPPED WITH ALL PHASES OF PUBLIC TELECOMMUNICATIONS |
| 12 | SERVICE; REQUIRINGTHEDEPARTMENTOPSOCIALAND |
| 13 | REHABILITATIONSERVICESTOADMINISTERTHEPROGRAM? |
| 14 | ESTABLISHING A COMMITTEE THAT INCLUDES MEMBERS OF |
| 15 | GOVERNMENT, BUSINESS, REGULATED TELECOMMUNICATIONS SERVICES, |
| 16 | AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF THE |
| 17 | PROGRAM; AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE |
| 18 | CUSTOMERS TO FINANCE THE PROGRAM; PROVIDING A STATUTORY |
| 19 | APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING |
| 20 | AN EFFECTIVE DATE." |

21 22

STATEMENT OF INTENT

A statement of intent is required for this bill because
 it requires the department--of--social-and-rehabilitation
 services COMMITTEE ON TELECOMMUNICATIONS SERVICES FOR



1 PERSONS WHO ARE HANDICAPPED to adopt rules to administer and 2 fund a program to provide specialized telecommunications 3 equipment and services to persons who are handicapped. 4 It is the intent of the legislature that the department 5 COMMITTEE adopt rules, in accordance with (section 8), as 6 may be necessary to administer the program. Rules adopted by 7 the department COMMITTEE may address matters such as: (1) eligibility for participation in the program; 8 9 (2) the types of equipment and services to be provided 10 under the program; 11 (3) the conditions and terms for the loan or lease of 12 specialized telecommunications equipment to eligible 13 participants in the program; 14 (4) requirements governing the purchase or lease of 15 specialized telecommunications equipment from qualified 16 wholesale manufacturers; and 17 (5) the definition of terms used in the bill. 18 In addition, the legislature intends that the department-annually--adopt--rules--setting--the PROGRAM BE 19 20 SELF-SUPPORTING AND BE FUNDED BY A 10-CENT MONTHLY charge on 21 telephone customers provided for in [section 12]. The-charge 22 may--not--exceed--10--cents-a-month-on-each-telephone-access 23 line-provided-by-each-local-exchange-company,-and-the-charge 24 may-not-be--imposed--on--more--than--100--access--lines--per

25 customer-

-2-HB 614 SECOND READING SECOND PRINTING

All--rules--adopted--by--the--department-are-subject-to
 review-and-approval-by-the-committee-established-in-faction
 3]-

4 In adopting rules, the department <u>COMMITTEE</u> should 5 consider the success of programs in other states that 6 provide specialized telecommunications equipment and 7 services to the handicapped, including programs established 8 in Oregon and Idaho.

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION, Section 1. Legislative findings 11 and declaration. (1) The legislature finds and declares that 12 13 many Montana citizens are physically handicapped and are 14 unable to use traditional telecommunications equipment and 15 services without assistance. These citizens constitute a 16 substantial and valuable resource within the United States 17 and the state of Montana, and this segment of our population needs access to telecommunications services in order to 18 19 function as contributing and productive members of our 20 society.

(2) The legislature further finds and declares that
the role of telecommunications in our world today is
inestimable. Telecommunications is the primary vehicle of
commerce and industry, the means to convey and receive
information and knowledge, and the way we connect with

others on a personal as well as business level. Telecommunications gives people independence and self-sufficiency, and it provides goods and services, human

4 contact, and fellowship.

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5 (3) The legislature further finds that access to 6 telecommunications services should be provided to persons 7 who are handicapped not only for their own sake but for the 8 benefit of society at large. Access to telecommunications 9 services would enhance the business and personal lives of 10 handicapped persons, and its availability to the handicapped 11 would be an investment of benefit to all of Montana.

(4) Consistent with the findings stated in subsections
(1) through (3), the legislature finds it appropriate to
provide handicapped persons access to telecommunications
services by creating a program to make specialized
telecommunications equipment and services available to the
handicapped.

18 <u>NEW SECTION.</u> Section 2. Definitions. As used in [this 19 act], unless the context requires otherwise, the following 20 definitions apply:

21 (1) "Committee" means the committee on
22 telecommunications services for the handicapped established
23 in [section 3].

24 (2)--"Bepartment"-means-the-department--of--social--

25 rehabilitation-services-provided-for-in-2-15-2201;

-3-

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HB 0614/04

t37(2) "Dual-party relay system" means a service that
 permits full and simultaneous communication between those
 using telecommunications devices for the deaf (TDD) and
 those using conventional telephone equipment.

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5 (4)(3) "Handicapped" means the condition of a person
6 who is blind, deaf, hearing-impaired <u>HARD-OF-HEARING</u>, or
7 speech-impaired.

8 (5)(4) "Local exchange company" means a
9 telecommunications company that provides telephone access
10 lines to members of the general public who are its
11 customers.

12 (6)(5) "Program" means the program established in 13 [section 7].

t7)(6) "Specialized telecommunications equipment" 14 means any telecommunications device that enables or assists 15 a person who is handicapped to communicate with others by 16 means of the conventional telephone network. The term 17 includes but is not limited to telecommunications devices 18 for the deaf (TDD), amplifiers, signaling devices, puff-blow 19 devices, electronic artificial larynx devices, and 20 21 telebraille.

22 $t\theta t(7)$ "Telephone access line" means the telephone 23 exchange access line or channel that provides access from 24 the premises of a customer of a local exchange company to 25 the telecommunications network to effect the transfer of HB 0614/04

1 information.

NEW SECTION. Section 3. Committee on 2 telecommunications services for the handicapped ___ 3 composition -- allocation. (1) There is a committee on 4 telecommunications services for the handicapped. 5 (2) The committee consists of 11 members appointed by 6 7 the governor as follows: (a) four members who are handicapped, two of whom must 8 9 be deaf or hearing-impaired HARD-OF-HEARING; (b) two members who are not handicapped, one of whom 10 must be engaged in a business other than a business in the 11 telecommunications industry and one of whom must be a senior 12 citizen; 13 (c) one member from the department of social and 14 rehabilitation services; 15 (d) one member from the largest local exchange company 16 17 in Montana; (e) one member from an independent local exchange 18 19 company; (f) one member from an interLATA interexchange 20 carrier; and 21 (g) one member from the public service commission. 22 (3) The committee is allocated to the department of 23 social and rehabilitation services for administrative 24 purposes only as provided in 2-15-121. 25

-5-

HB 614

-6-

<u>NEW SECTION.</u> Section 4. Term of office -- vacancies.
 (1) Each member of the committee shall serve for a term of 3
 years, except that the governor shall appoint four of the
 initial members to serve terms of 1 year and four of the
 initial members to serve terms of 2 years.

6 (2) A vacancy on the committee must be filled in the 7 same manner as the original appointment.

8 <u>NEW SECTION.</u> Section 5. Officers -- meetings - 9 quorum -- compensation. (1) The committee shall choose a
 10 chairman from its members.

11 (2) The committee shall meet at least once every 3
12 months and at such other times as determined by the chairman
13 or by a majority of the committee.

14 (3) Six members of the committee constitute a guorum15 for the transaction of business.

16 (4) All members of the committee are entitled to 17 reimbursement of expenses as provided in 2-18-501 through 18 2-18-503. Members of the committee who are not state 19 employees are also entitled to receive compensation of \$50 20 for each day they are engaged in official business of the 21 committee.

NEW SECTION. Section 6. Power and duties. The
 committee shall oversee administration of the program
 provided for in [section 7]. In fulfilling this duty, the
 committee shall:

| 1 | (1) establish policies and procedures governing |
|--|--|
| 2 | administration of the program; |
| 3 | (2) analyze and approve a budget for administration of |
| 4 | services under the program; |
| 5 | (3) monitor the expenditure of funds for the program; |
| 6 | AND |
| 7 | <pre>(4)approveordisapprovethechargeon-telephone</pre> |
| 8 | customers-provided-for-in-{section-12};-and |
| 9 | (4) PROVIDE FOR ADMINISTRATION OF ELIGIBILITY AND THE |
| 10 | DELIVERY OF SERVICES FOR THE PROGRAM AS PROVIDED FOR IN |
| 11 | [SECTIONS 7, 8, 9, AND 10]; AND |
| | |
| 12 | (5)<u>(4)</u>(5) perform any other duties necessary to |
| 12 13 | <pre>f5<u>f(4)(5)</u> perform any other duties necessary to properly oversee administration of the program.</pre> |
| | |
| 13 | properly oversee administration of the program. |
| 13 14 | properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established |
| 13 14 15 | properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established purpose. (1) Subject-to-approval-of-thecommitteeprovided |
| 13 14 15 16 | properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established purpose. (1) Subject-to-approval-of-thecommitteeprovided forin{section3};thedepartment <u>THE COMMITTEE</u> shall |
| 13 14 15 16 17 | properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established purpose. (1) Subject-to-approval-of-thecommitteeprovided forin{section3},thedepartment <u>THE COMMITTEE</u> shall establish and administer a program to provide specialized |
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| 13 14 15 16 17 18 19 | properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established purpose. (1) Subject-to-approval-of-thecommitteeprovided forin{section3},thedepartment <u>THE COMMITTEE</u> shall establish and administer a program to provide specialized telecommunications equipment and services to persons who are handicapped. |
| 13 14 15 16 17 18 19 20 | properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established purpose. (1) Subject-to-approval-of-thecommitteeprovided forinfsection3frthedepartment <u>THE COMMITTEE</u> shall establish and administer a program to provide specialized telecommunications equipment and services to persons who are handicapped. (2) The purpose of the program is to: |
| 13 14 15 16 17 18 19 20 21 | <pre>properly oversee administration of the program. <u>NEW SECTION.</u> Section 7. Program established purpose. (1) Subject-to-approval-of-thecommitteeprovided forinfsection3f,thedepartment <u>THE COMMITTEE</u> shall establish and administer a program to provide specialized telecommunications equipment and services to persons who are handicapped. (2) The purpose of the program is to: (a) furnish specialized telecommunications equipment</pre> |

25 telecommunications service, including telecommunicat

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service to emergency services and public safety agencies as
 defined in 10-4-101.

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NEW SECTION. Section 8. Powers----and----duties----of
 department PROVISION OF SERVICES. In administering the
 program established in [section 7], the department <u>COMMITTEE</u>
 shall:

7 (1) develop an appropriate means test to determine8 eligibility for participation in the program;

9 (2) require that participants in the program be 10 residents of Montana and that residency be maintained as a 11 condition of eligibility for continued participation in the 12 program;

13 (3) require that participants provide satisfactory
14 evidence that they are handicapped and would benefit from
15 the use of specialized telecommunications equipment;

16 (4) provide specialized telecommunications equipment 17 to participants on the basis of a loan or lease arrangement 18 that may include cost-sharing between the handicapped person 19 and his employer;

20 (5) determine the type of specialized
21 telecommunications equipment it considers necessary and
22 economically feasible for use by Montana's handicapped;

23 (6) purchase or lease all specialized
24 telecommunications equipment through bid by wholesale
25 manufacturers on a competitive basis;

(7) require, as a condition of each equipment purchase
 or lease, that the original manufacturer provide repair and
 maintenance service for new and returned equipment;

4 (8) maintain records of each item of equipment,
5 including the location, serial number, and telephone number
6 of each device;

7 (9) require an appropriate security deposit for
8 equipment at the time of delivery, which deposit must be
9 refunded without interest when the equipment is returned:

10 (10) make reasonable efforts to recover equipment from
11 those who become ineligible for continued participation in
12 the program;

13 (11) provide a dual-party relay system that, if 14 feasible, would be available statewide for operation 7 days

15 a week, 24 hours a day, including holidays;

16 (12) implement the service described in subsection (11) 17 within 1-year 2 YEARS following [the effective date of this 18 act]; and

(13) adopt rules necessary to administer the program.

20 <u>NEW SECTION.</u> Section 9. Dual-party relay system --21 requirements. The department <u>COMMITTEE</u> shall contract with a 22 qualified provider to design and implement a dual-party 23 relay system that fulfills the purpose described in [section 24 7]. The department <u>COMMITTEE</u> shall require, under the terms 25 of the contract, that:

-9-

HB 614

19

-10-

1 (1) the system relay all messages promptly and 2 accurately;

3 (2) the system maintain the privacy of persons using4 the system; and

5 (3) the provider preserve the confidentiality of all 6 telephone communications, except in instances in which such 7 confidentiality would further a violation of the law.

8 <u>NEW SECTION.</u> Section 10. Gifts and grants. The 9 department <u>COMMITTEE</u> may accept contributions, gifts, and 10 grants, in money or otherwise, to the program established in 11 [section 7]. Monetary contributions, gifts, and grants must 12 be deposited in the fund provided for in [section 11].

13 <u>NEW SECTION.</u> Section 11. Fund for telecommunications 14 services for the handicapped. (1) There is a-fund <u>AN ACCOUNT</u> 15 for telecommunications services for the handicapped in the 16 state special revenue fund in the state treasury. The fund 17 ACCOUNT consists of:

(a) all monetary contributions, gifts, and grants
 received by the department <u>COMMITTEE</u> as provided in [section
 10]; and

21 (b) all charges billed and collected pursuant to
22 [section 12].

23 (2) The money in the fund <u>ACCOUNT IS STATUTORILY</u>
24 <u>APPROPRIATED, AS PROVIDED IN 17-7-502, AND</u> is allocated to
25 the committee for purposes of implementing [this act].

(3) All expenditures of the committee and--of--the
 department in administering [this act] must be paid from
 money deposited in the fund <u>ACCOUNT</u>.

NEW SECTION. Section 12. Special assessment. (1) The 4 department--shall--annually-establish-by-rule-a-charge-that; 5 6 together-with-anv-surplus-revenues-carried-forward-from--the 7 previous--vear--fully-covers-the-cost-of-administering-fthis 8 act] .- The A charge may-not-exceed OF 10 cents a month MAY BE ASSESSED on each telephone access line provided and billed 9 by each local exchange company AND IS IMPOSED FOR THE 10 PURPOSES OF [THIS ACT]. 11

12 +2+--The-department-shall-determine-the-charge-provided 13 for-in-subsection-(1)-no-later--than--September--1--of--each year;-with-the-new-charge-to-take-effect-at-the-beginning-of 14 the--first--billing--period--of--each--customer--on-or-after 15 January-1--of--the--following--year---The--department--shall 16 17 promptly--publish--the--new-charge-and-shall-provide-to-each 18 iocal-exchange-company-notice-of-the-new-charge-by-certified mail-at-least-90-days-before-the-new--charge--is--to--become 19 20 effective.

21 (3)(2) Each customer of a local exchange company is
22 liable for payment to the local exchange company of any
23 charge properly imposed pursuant to [this act]. The local
24 exchange company is not liable for any uncollected charge,
25 nor does the company have an obligation to take legal action

-11-

HB 614

-12-

1 to enforce the collection of any charge that is unpaid by 2 its customers.

3 (4)(3) Each local exchange company shall bill each 4 customer for the charge provided for in subsection (1). Except as provided in subsection (5) (4), all charges billed 5 and collected by a local exchange company must be 6 transmitted to the state treasurer no later than the last 7 8 day of the month following the end of each calendar guarter 9 in which the charge is billed. All charges received by the 10 state treasurer must be deposited in the fund established in [section 11] to the credit of the department COMMITTEE. 11

12 (5)(4) Each local exchange company may deduct and 13 retain 3/4 of 1% of the total charges billed and collected 14 each month to cover its administrative expenses in complying 15 with the requirements of subsection (4)(3).

16 <u>NEW SECTION.</u> Section 13. Records -- audit. (1) Each 17 local exchange company shall maintain a record of the 18 charges billed and the charges collected pursuant to 19 [section 12] for a period of 1 year from the date of billing 20 or collection, respectively.

21 (2) The department <u>COMMITTEE</u> may require an audit of 22 each local exchange company's records to assure proper 23 accounting of all charges billed and collected pursuant to 24 (section 12). The audit must be conducted at the expense of 25 the department <u>COMMITTEE</u>.

SECTION 14. SECTION 17-7-502, MCA, IS AMENDED TO READ: "17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

7 (2) Except as provided in subsection (4), to be
8 effective, a statutory appropriation must comply with both
9 of the following provisions:

10 (a) The law containing the statutory authority must be 11 listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory
appropriation is made as provided in this section.

(3) The following laws are the only laws containing 15 statutory appropriations: 2-9-202; 2-17-105; 2-18-812: 16 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 17 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 18 19 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 20 21 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20 - 6 - 406;20-8-111; 22 33-31-212; 33-31-401; 37-51-501; 23 23-5-610; 23-5-1027; 24 39-71-2504; 53-6-150; 53-24-206; [SECTION 11]; 67-3-205; 25 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228;

-13-

HB 614

-14-

82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
 90-15-103; section 13, House Bill No. 861, Laws of 1985; and
 section 1, Chapter 454, Laws of 1987.

(4) There is a statutory appropriation to pay the 4 5 principal, interest, premiums, and costs of issuing, paying, 6 and securing all bonds, notes, or other obligations, as due, 7 that have been authorized and issued pursuant to the laws of Agencies that have entered into agreements 8 Montana. 9 authorized by the laws of Montana to pay the state 10 treasurer, for deposit in accordance with 17-2-101 through 11 17-2-107, as determined by the state treasurer, an amount 12 sufficient to pay the principal and interest as due on the 13 bonds or notes have statutory appropriation authority for 14 such payments. (In subsection (3): pursuant to sec. 15, Ch. 15 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion 16 17 of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 18 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 19 1987, terminates July 1, 1988.)"

20 <u>NEW SECTION.</u> Section 15. Codification instruction.
21 (1)-{Sections-1;-2;-and-4-through-13}--are--intended--to--be
22 codified-as-an-integral-part-of-Title-69;-chapter-3;-and-the
23 provisions--of-Title-69;-chapter-3;-apply-to-{sections-1;-2;
24 and-4-through-13;-

25 (2) [Section 3] is intended to be codified as an

-15-

HB 614

1 integral part of Title 2, chapter 15, part 22, and the

2 provisions of Title 2, chapter 15, part 22, apply to

- 3 [section 3].
- 4 NEW SECTION. Section 16. Effective date. [This act]

5 is effective July 1, 1989.

-End~

-16-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB614, third reading

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a program to provide specialized telecommunications equipment and services to the handicapped; providing for a statewide dual-party relay system to connect persons who are handicapped with all phases of public telecommunications service; requiring the Department of Social and Rehabilitation Services to administer the program; establishing a committee that includes members of government, business, regulated telecommunications services, and the handicapped to oversee administration of the program; authorizing a 10-cent monthly charge on telephone customers to finance the program; providing a statutory appropriation; amending section 17-7-502, MCA; and providing an immediate effective date and an applicability date.

ASSUMPTIONS:

- 1. It is estimated that 400 individuals will be served.
- 2. Total phone lines available for fee are 347,289 per year.
- 3. Fee of \$0.10 per line is established for a minimum of 2 years effective July 1, 1989.
- 4. The Department of Social and Rehabilitation Services is not allowed to charge indirect costs to the program.
- 5. First revenues are collected 30 days after the first quarter fees are assessed, October 31, 1989.
- 6. SRS will need 2.0 FTE to administer the program-grade 15 and grade 10 beginning November 1, 1989.
- 7. The advisory committee is appointed and in place by November 1, 1989.

FISCAL IMPACT:

Expenditure Impact:

| impendied c impacer | | | | FY90 | | | | | FY91 | |
|---------------------|------|---------|----|------------|----|-----------|-----|----------|--------------|------------|
| | Curr | ent Law | Pr | oposed Law | D | ifference | Cur | rent Law | Proposed Law | Difference |
| SRS | | | | | | | | | | |
| Personal Services | \$ | 0 | \$ | 32,117 | \$ | 32,117 | \$ | 0 | \$ 48,175 | \$ 48,175 |
| Operating Expenses | | 0 | | 34,600 | | 34,600 | | 0 | 51,900 | 51,900 |
| Capitol Outlay | | 0 | | 55,000 | | 55,000 | | 0 | 232,000 | 232,000 |
| Benefits | | 0 | | 95,387 | | 95,387 | | 0 | 145,400 | 145,400 |
| TOTAL | \$ | 0 | \$ | 217,104 | \$ | 217,104 | \$ | 0 | \$477,475 | \$477,475 |
| Revenue Impact: | | | | | | | | | | |
| State Special | \$ | 0 | \$ | 277,831 | \$ | 277,831 | \$ | 0 | \$477,475 | \$477,475 |

RAY SHACKLEFORD, BUDGET DIRECTOR Office of Budget and Program Planning

DATE 3/13/89

DIANA WYATT, PRIMARY SPONSOR

Fiscal Note for <u>HB614</u>, third reading <u>HB 614</u> . م

HB 0614/03

HB 0614/03

| 1 | HOUSE BILL NO. 614 | 1 | provide specialized telecommunications equipment and |
|----|--|----|--|
| 2 | INTRODUCED BY WYATT, VAN VALKENBURG, COCCHIARELLA, LYNCH, | 2 | services to persons who are handicapped. |
| 3 | WALKER, GRADY, GOULD, PECK, HARRINGTON, MENAHAN, | 3 | It is the intent of the legislature that the department |
| 4 | PAVLOVICH, DRISCOLL, BRADLEY, MARKS, O'CONNELL, MCLANE, | 4 | adopt rules, in accordance with [section 8], as may be |
| 5 | SQUIRES, KADAS, MCCORMICK, BACHINI, VINCENT | 5 | necessary to administer the program. Rules adopted by the |
| 6 | | 6 | department may address matters such as: |
| 7 | A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM | 7 | (1) eligibility for participation in the program; |
| 8 | TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND | 8 | (2) the types of equipment and services to be provided |
| 9 | SERVICES TO THE HANDICAPPED; PROVIDING FOR A STATEWIDE | 9 | under the program; |
| 10 | DUAL-PARTY RELAY SYSTEM TO CONNECT PERSONS WHO ARE | 10 | (3) the conditions and terms for the loan or lease of |
| 11 | HANDICAPPED WITH ALL PHASES OF PUBLIC TELECOMMUNICATIONS | 11 | specialized telecommunications equipment to eligible |
| 12 | SERVICE; REQUIRING THE DEPARTMENT OF SOCIAL AND | 12 | participants in the program; |
| 13 | REHABILITATION SERVICES TO ADMINISTER THE PROGRAM; | 13 | (4) requirements governing the purchase or lease of |
| 14 | ESTABLISHING A COMMITTEE THAT INCLUDES MEMBERS OF | 14 | specialized telecommunications equipment from qualified |
| 15 | GOVERNMENT, BUSINESS, REGULATED TELECOMMUNICATIONS SERVICES, | 15 | wholesale manufacturers; and |
| 16 | AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF THE | 16 | (5) the definition of terms used in the bill. |
| 17 | PROGRAM; AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE | 17 | In addition, the legislature intends that the |
| 18 | CUSTOMERS TO FINANCE THE PROGRAM; PROVIDING A STATUTORY | 18 | departmentannuallyadoptrulessettingthe PROGRAM_BE |
| 19 | APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING | 19 | SELF-SUPPORTING AND BE FUNDED BY A 10+CENT MONTHLY charge on |
| 20 | AN EFFECTIVE DATE." | 20 | telephone customers provided for in [section 12]. The-charge |
| 21 | | 21 | may-not-exceed-10-cents-a-monthoneachtelephoneaccess |
| 22 | STATEMENT OF INTENT | 22 | line-provided-by-each-local-exchange-company;-and-the-charge |
| 23 | A statement of intent is required for this bill because | 23 | <pre>maynotbeimposedonmorethan100access-lines-per</pre> |
| 24 | it requires the department of social and rehabilitation | 24 | customer- |
| 25 | services to adopt rules to administer and fund a program to | 25 | All rules adopted by the department are subject to |
| | | | |

Montana Legislative Council

-2-

HB 614 THIRD READING AS AMENDED

review and approval by the committee established in [section
 3].

3 In adopting rules, the department should consider the 4 success of programs in other states that provide specialized 5 telecommunications equipment and services to the 6 handicapped, including programs established in Oregon and 7 Idaho.

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative findings 10 and 11 declaration. (1) The legislature finds and declares that 12 many Montana citizens are physically handicapped and are unable to use traditional telecommunications equipment and 13 services without assistance. These citizens constitute a 14 15 substantial and valuable resource within the United States 16 and the state of Montana, and this segment of our population 17 needs access to telecommunications services in order to function as contributing and productive members of our 18 19 society.

20 (2) The legislature further finds and declares that 21 the role of telecommunications in our world today is 22 inestimable. Telecommunications is the primary vehicle of 23 commerce and industry, the means to convey and receive 24 information and knowledge, and the way we connect with 25 others on a personal as well as business level.

-3-

HB 614

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Telecommunications gives people independence and
 self-sufficiency, and it provides goods and services, human
 contact, and fellowship.

4 (3) The legislature further finds that access to 5 telecommunications services should be provided to persons 6 who are handicapped not only for their own sake but for the 7 benefit of society at large. Access to telecommunications 8 services would enhance the business and personal lives of 9 handicapped persons, and its availability to the handicapped 10 would be an investment of benefit to all of Montana.

(4) Consistent with the findings stated in subsections (1) through (3), the legislature finds it appropriate to provide handicapped persons access to telecommunications services by creating a program to make specialized telecommunications equipment and services available to the handicapped.

NEW SECTION. Section 2. Definitions. As used in [this act], unless the context requires otherwise, the following definitions apply:

(1) "Committee" means the committee on
telecommunications services for the handicapped established
in [section 3].

(2) "Department" means the department of social and
rehabilitation services provided for in 2-15-2201.

(3) "Dual-party relay system" means a service that

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permits full and simultaneous communication between those
 using telecommunications devices for the deaf (TDD) and
 those using conventional telephone equipment.

4 (4) "Handicapped" means the condition of a person who 5 is blind, deaf, hearing-impaired <u>HARD-OF-HEARING</u>, or 6 speech-impaired.

7 (5) "Local exchange company" means a
8 telecommunications company that provides telephone access
9 lines to members of the general public who are its
10 customers.

11 (6) "Program" means the program established in
12 [section 7].

(7) "Specialized telecommunications equipment" means 13 any telecommunications device that enables or assists a 14 person who is handicapped to communicate with others by 15 means of the conventional telephone network. The term 16 includes but is not limited to telecommunications devices 17 for the deaf (TDD), amplifiers, signaling devices, puff-blow 18 devices, electronic artificial larynx devices, and 19 telebraille. 20

(8) "Telephone access line" means the telephone
exchange access line or channel that provides access from
the premises of a customer of a local exchange company to
the telecommunications network to effect the transfer of
information.

NEW SECTION, Section 3. Committee OD telecommunications services for the handicapped composition -- allocation. (1) There is a committee on telecommunications services for the handicapped. (2) The committee consists of 11 members appointed by the governor as follows: (a) four members who are handicapped, two of whom must be deaf or hearing-impaired HARD-OF-HEARING; (b) two members who are not handicapped, one of whom must be engaged in a business other than a business in the telecommunications industry and one of whom must be a senior citizen; (c) one member from the department of social and rehabilitation services; (d) one member from the largest local exchange company in Montana; (e) one member from an independent local exchange company; (f) one member from an interLATA

19 (f) one member from an interLATA interexchange 20 carrier; and

21 (g) one member from the public service commission.

22 (3) The committee is allocated to the department of
23 social and rehabilitation services for administrative
24 purposes only as provided in 2-15-121.

NEW SECTION. Section 4. Term of office -- vacancies.

-6-

-5-

HB 614

(1) Each member of the committee shall serve for a term of 3
 years, except that the governor shall appoint four of the
 initial members to serve terms of 1 year and four of the
 initial members to serve terms of 2 years.

5 (2) A vacancy on the committee must be filled in the6 same manner as the original appointment.

7 <u>NEW SECTION.</u> Section 5. Officers -- meetings --8 quorum -- compensation. (1) The committee shall choose a 9 chairman from its members.

10 (2) The committee shall meet at least once every 3
11 months and at such other times as determined by the chairman
12 or by a majority of the committee.

13 (3) Six members of the committee constitute a guorum14 for the transaction of business.

15 (4) All members of the committee are entitled to 16 reimbursement of expenses as provided in 2-18-501 through 17 2-18-503. Members of the committee who are not state 18 employees are also entitled to receive compensation of \$50 19 for each day they are engaged in official business of the 20 committee.

21 <u>NEW SECTION.</u> Section 6. Power and duties. The 22 committee shall oversee administration of the program 23 provided for in [section 7]. In fulfilling this duty, the 24 committee shall:

25 (1) establish policies and procedures governing

-7-

HB 614

l administration of the program;

2 (2) analyze and approve a budget for administration of
3 services under the program;

4 (3) monitor the expenditure of funds for the program;5 AND

6 (4)--approve--or--disapprove--the--charge--on-telephone
7 customers-provided-for-in-fsection-12];-and

8 (5)(4) perform any other duties necessary to properly
9 oversee administration of the program.

NEW SECTION. Section 7. Program established 10 purpose. (1) Subject to approval of the committee provided 11 12 for in [section 3], the department shall establish and 13 administer а program to provide specialized 14 telecommunications equipment and services to persons who are handicapped. 15

16 (2) The purpose of the program is to:

17 (a) furnish specialized telecommunications equipment18 to meet the needs of persons who are handicapped; and

(b) provide a dual-party relay system to connect
persons who are handicapped with all phases of public
telecommunications service, including telecommunications
service to emergency services and public safety agencies as
defined in 10-4-101.

24 <u>NEW SECTION.</u> Section 8. Powers and duties of
 25 department. In administering the program established in

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of each device:

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[section 7], the department shall:

HB 614

(9) require an appropriate security deposit for (1) develop an appropriate means test to determine eligibility for participation in the program; equipment at the time of delivery, which deposit must be 3 (2) require that participants in the program be refunded without interest when the equipment is returned; 4 residents of Montana and that residency be maintained as a (10) make reasonable efforts to recover equipment from 5 condition of eligibility for continued participation in the those who become ineligible for continued participation in 6 program: the program; 7 (11) provide a dual-party relay system that, if (3) require that participants provide satisfactory 8 evidence that they are handicapped and would benefit from feasible, would be available statewide for operation 7 days 9 the use of specialized telecommunications equipment; a week, 24 hours a day, including holidays; 10 (4) provide specialized telecommunications equipment 11 (12) implement the service described in subsection (11) within 1-year 2 YEARS following [the effective date of this to participants on the basis of a loan or lease arrangement 12 that may include cost-sharing between the handicapped person 13 act]; and and his employer; 14 (13) adopt rules necessary to administer the program. (5) determine the type of specialized NEW SECTION. Section 9. Dual-party relay system --15 telecommunications equipment it considers necessary and 16 requirements. The department shall contract with a qualified economically feasible for use by Montana's handicapped; provider to design and implement a dual-party relay system 17 (6) purchase or lease all specialized 18 that fulfills the purpose described in [section 7]. The telecommunications equipment through bid by wholesale 19 department shall require, under the terms of the contract, manufacturers on a competitive basis; 20 that: (7) require, as a condition of each equipment purchase system relay all messages promptly and 21 (1) the or lease, that the original manufacturer provide repair and 22 accurately; maintenance service for new and returned equipment: (2) the system maintain the privacy of persons using 23 (8) maintain records of each item of equipment. 24 the system; and including the location, serial number, and telephone number (3) the provider preserve the confidentiality of all 25 -9-HB 614

HB 614

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telephone communications, except in instances in which such
 confidentiality would further a violation of the law.

3 <u>NEW SECTION.</u> Section 10. Gifts and grants. The 4 department may accept contributions, gifts, and grants, in 5 money or otherwise, to the program established in [section 6 7]. Monetary contributions, gifts, and grants must be 7 deposited in the fund provided for in [section 11].

NEW SECTION. Section 11. Fund for telecommunications
 services for the handicapped. (1) There is a fund <u>AN ACCOUNT</u>
 for telecommunications services for the handicapped in the
 state special revenue fund in the state treasury. The fund
 ACCOUNT consists of:

13 (a) all monetary contributions, gifts, and grants 14 received by the department as provided in [section 10]; and 15 (b) all charges billed and collected pursuant to 16 [section 12].

17 (2) The money in the fund <u>ACCOUNT IS STATUTORILY</u>
18 <u>APPROPRIATED, AS PROVIDED IN 17-7-502, AND</u> is allocated to
19 the committee for purposes of implementing [this act].

(3) All expenditures of the committee and of the
department in administering [this act] must be paid from
money deposited in the fund ACCOUNT.

<u>NEW SECTION.</u> Section 12. Special assessment. (1) The
 department-shall-annually-establish-by-rule-a--charge--that;
 together--with-any-surplus-revenues-carried-forward-from-the

-11-

previous-year7-fully-covers-the-cost-of-administering--{this act}-The <u>A</u> charge may-not-exceed <u>OF</u> 10 cents a month <u>MAY BE</u> <u>ASSESSED</u> on each telephone access line provided and billed by each local exchange company <u>AND IS IMPOSED FOR THE</u> PURPOSES OF [THIS ACT].

6 (2)--The-department-shall-determine-the-charge-provided 7 for--in--subsection--{l}--no--later-than-September-l-of-each 8 year,-with-the-new-charge-to-take-effect-at-the-beginning-of 9 the-first-billing--period--of--each--customer--on--or--after 10 January--1--of--the--following--year;--The--department-shall 11 promptly-publish-the-new-charge-and-shall--provide--to--each 12 local-exchange-company-notice-of-the-new-charge-by-certified 13 mail--at--least--90--days-before-the-new-charge-is-to-become effective: 14

15 (3)(2) Each customer of a local exchange company is 16 liable for payment to the local exchange company of any 17 charge properly imposed pursuant to [this act]. The local 18 exchange company is not liable for any uncollected charge, 19 nor does the company have an obligation to take legal action 20 to enforce the collection of any charge that is unpaid by 21 its customers.

t4)(3) Each local exchange company shall bill each
customer for the charge provided for in subsection (1).
Except as provided in subsection (5) (4), all charges billed
and collected by a local exchange company must be

-12-

HB 614

HB 0614/03

transmitted to the state treasurer no later than the last day of the month following the end of each calendar quarter in which the charge is billed. All charges received by the state treasurer must be deposited in the fund established in [section 11] to the credit of the department.

6 (5)(4) Each local exchange company may deduct and
7 retain 3/4 of 1% of the total charges billed and collected
8 each month to cover its administrative expenses in complying
9 with the requirements of subsection (4) (3).

10 <u>NEW SECTION.</u> Section 13. Records -- audit. (1) Each 11 local exchange company shall maintain a record of the 12 charges billed and the charges collected pursuant to 13 [section 12] for a period of 1 year from the date of billing 14 or collection, respectively.

15 (2) The department may require an audit of each local exchange company's records to assure proper accounting of all charges billed and collected pursuant to [section 12]. 18 The audit must be conducted at the expense of the 19 department.

20 **SECTION 14.** SECTION 17-7-502, MCA, IS AMENDED TO READ: 21 "17-7-502. Statutory appropriations -- definition --22 requisites for validity. (1) A statutory appropriation is an 23 appropriation made by permanent law that authorizes spending 24 by a state agency without the need for a biennial 25 legislative appropriation or budget amendment. 1 (2) Except as provided in subsection (4), to be 2 effective, a statutory appropriation must comply with both 3 of the following provisions:

4 (a) The law containing the statutory authority must be5 listed in subsection (3).

6 (b) The law or portion of the law making a statutory
7 appropriation must specifically state that a statutory
8 appropriation is made as provided in this section.

(3) The following laws are the only laws containing 9 appropriations: 2-9-202; 2-17-105; 2-18-812; 10 statutory 10-3-203; 10-3-312; 10-3-314; 10 - 4 - 301;13 - 37 - 304;11 15-31-702; 15-36-112; 15-65-121; 15-70-101; 12 15-25-123; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 13 14 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-606; 15 19-11-513; 19-13-604; 20-4-109; 20-6-406; 19-12-301; 20-8-111; 16 23-5-610: 23-5-1027: 33-31-212; 33-31-401; 37-51-501: 17 18 **39-71-2504; 53-6-150; 53-24-206;** [SECTION 11]; **67-3-205;** 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228; 19 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 20 90-15-103; section 13, House Bill No. 861, Laws of 1985; and 21 section 1, Chapter 454, Laws of 1987. 22

23 (4) There is a statutory appropriation to pay the
24 principal, interest, premiums, and costs of issuing, paying,
25 and securing all bonds, notes, or other obligations, as due,

-13-

HB 614

-14-

that have been authorized and issued pursuant to the laws of 1 2 Montana. Agencies that have entered into agreements 3 authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 4 17-2-107, as determined by the state treasurer, an amount 5 sufficient to pay the principal and interest as due on the 6 7 bonds or notes have statutory appropriation authority for 8 such payments. (In subsection (3): pursuant to sec. 15, Ch. 9 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion 10 of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 11 12 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 1987, terminates July 1, 1988.)" 13

14NEW SECTION.Section 15. Codification instruction.15(1)--(Sections-1)-27--and-4-through-13)-are-intended-to-be16codified-as-an-integral-part-of-Title-697-chapter-37-and-the17provisions-of-Title-697-chapter-37-apply-to-(sections-17--27)18and-4-through-13)-7

19 (2) [Section 3] is intended to be codified as an 20 integral part of Title 2, chapter 15, part 22, and the 21 provisions of Title 2, chapter 15, part 22, apply to 22 [section 3].

23 <u>NEW SECTION.</u> Section 16. Effective date. [This act]
24 is effective July 1, 1989.

-End-

-15-

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HB 0614/04

THIRD READING

SECOND PRINTING

| 1 | HOUSE BILL NO. 614 | 1 | PERSONS WHO ARE HANDICAPPED to adopt rules to administer and |
|----|--|----|---|
| 2 | INTRODUCED BY WYATT, VAN VALKENBURG, COCCHIARELLA, LYNCH, | 2 | fund a program to provide specialized telecommunications |
| 3 | WALKER, GRADY, GOULD, PECK, HARRINGTON, MENAHAN, | 3 | equipment and services to persons who are handicapped. |
| 4 | PAVLOVICH, DRISCOLL, BRADLEY, MARKS, O'CONNELL, MCLANE, | 4 | It is the intent of the legislature that the department |
| 5 | SQUIRES, KADAS, MCCORMICK, BACHINI, VINCENT | 5 | COMMITTEE adopt rules, in accordance with (section B), as |
| 6 | | 6 | may be necessary to administer the program. Rules adopted by |
| 7 | A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM | 7 | the department <u>COMMITTEE</u> may address matters such as: |
| 8 | TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND | 8 | eligibility for participation in the program; |
| 9 | SERVICES TO THE HANDICAPPED; PROVIDING FOR A STATEWIDE | 9 | (2) the types of equipment and services to be provided |
| 10 | DUAL-PARTY RELAY SYSTEM TO CONNECT PERSONS WHO ARE | 10 | under the program; |
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| 12 | SERVICE; REQUIRINGTHEBEPARTMENTOFSOCIALAND | 12 | specialized telecommunications equipment to eligible |
| 13 | RehabibitationServicesTOAdministerTheProgram; | 13 | participants in the program; |
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| 15 | GOVERNMENT, BUSINESS, REGULATED TELECOMMUNICATIONS SERVICES, | 15 | specialized telecommunications equipment from gualified |
| 16 | AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF THE | 16 | wholesale manufacturers; and |
| 17 | PROGRAM; AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE | 17 | (5) the definition of terms used in the bill. |
| 18 | CUSTOMERS TO FINANCE THE PROGRAM; PROVIDING A STATUTORY | 18 | In addition, the legislature intends that the |
| 19 | APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING | 19 | department-annuallyadoptrulessettingthe <u>PROGRAM_BE</u> |
| 20 | AN EFFECTIVE DATE." | 20 | SELF-SUPPORTING AND BE FUNDED BY A 10-CENT MONTHLY charge on |
| 21 | | 21 | telephone customers provided for in [section 12]. The-charge |
| 22 | STATEMENT OF INTENT | 22 | maynotexceed10cents-a-month-on-each-telephone-access |
| 23 | A statement of intent is required for this bill because | 23 | tine-provided-by-each-local-exchange-company;-and-the-charge |
| 24 | it requires the departmentofsocial-and-rehabilitation | 24 | may-not-beimposedonmorethan100accesslinesper |
| 25 | services COMMITTEE ON TELECOMMUNICATIONS SERVICES FOR | 25 | customer- |
| | | | |
| | Δ. | | -2- HB 614 |

ve council w lea
1 All--rules--adopted--by--the--department-are-subject-to
2 review-and-approval-by-the-committee-established-in-fsection
3 3];

4 In adopting rules, the department <u>COMMITTEE</u> should 5 consider the success of programs in other states that 6 provide specialized telecommunications equipment and 7 services to the handicapped, including programs established 8 in Oregon and Idaho.

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Legislative findings and 12 declaration. (1) The legislature finds and declares that 13 many Montana citizens are physically handicapped and are 14 unable to use traditional telecommunications equipment and services without assistance. These citizens constitute a 15 16 substantial and valuable resource within the United States 17 and the state of Montana, and this segment of our population 18 needs access to telecommunications services in order to 19 function as contributing and productive members of our 20 society.

(2) The legislature further finds and declares that
the role of telecommunications in our world today is
inestimable. Telecommunications is the primary vehicle of
commerce and industry, the means to convey and receive
information and knowledge, and the way we connect with

well as business level. 1 others on а personal as independence and Telecommunications gives people 2 self-sufficiency, and it provides goods and services, human 3 contact, and fellowship. 4

5 (3) The legislature further finds that access to 6 telecommunications services should be provided to persons 7 who are handicapped not only for their own sake but for the 8 benefit of society at large. Access to telecommunications 9 services would enhance the business and personal lives of 10 handicapped persons, and its availability to the handicapped 11 would be an investment of benefit to all of Montana.

(4) Consistent with the findings stated in subsections
(1) through (3), the legislature finds it appropriate to
provide handicapped persons access to telecommunications
services by creating a program to make specialized
telecommunications equipment and services available to the
handicapped.

18 <u>NEW SECTION.</u> Section 2. Definitions. As used in [this
 19 act], unless the context requires otherwise, the following
 20 definitions apply:

21 (1) "Committee" means the committee on
22 telecommunications services for the handicapped established
23 in [section 3].

24 (2)--*Bepartment*-means-the-department--of--social--and

25 rehabilitation-services-provided-for-in-2-15-22017

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HB 614

-4-

HB 614

HB 0614/04

t3)(2) "Dual-party relay system" means a service that
 permits full and simultaneous communication between those
 using telecommunications devices for the deaf (TDD) and
 those using conventional telephone equipment.

5 (4)(3) "Handicapped" means the condition of a person
6 who is blind, deaf, hearing-impaired <u>HARD-OF-HEARING</u>, or
7 speech-impaired.

8 (5)(4) "Local exchange company" means a
9 telecommunications company that provides telephone access
10 lines to members of the general public who are its
11 customers.

12 (6)(5) "Program" means the program established in 13 (section 7).

t7t(6) "Specialized telecommunications equipment" 14 means any telecommunications device that enables or assists 15 a person who is handicapped to communicate with others by 16 means of the conventional telephone network. The term 17 includes but is not limited to telecommunications devices 18 for the deaf (TDD), amplifiers, signaling devices, puff-blow 19 devices, electronic artificial larynx devices, and 20 21 telebraille.

22 (0)(7) "Telephone access line" means the telephone
23 exchange access line or channel that provides access from
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-5-

HB 614

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 2
 <u>NEW SECTION.</u> Section 3. Committee
 on

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 telecommunications services for the handicapped -

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 composition -- allocation. (1) There is a committee on

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 telecommunications services for the handicapped.

6 (2) The committee consists of 11 members appointed by7 the governor as follows:

8 (a) four members who are handicapped, two of whom must
9 be deaf or hearing-impaired HARD-OF-HEARING;

(b) two members who are not handicapped, one of whom
must be engaged in a business other than a business in the
telecommunications industry and one of whom must be a senior
citizen;

14 (c) one member from the department of social and 15 rehabilitation services;

16 (d) one member from the largest local exchange company 17 in Montana;

18 (e) one member from an independent local exchange 19 company;

20 (f) one member from an interLATA interexchange 21 carrier; and

22 (g) one member from the public service commission.

23 (3) The committee is allocated to the department of
24 social and rehabilitation services for administrative
25 purposes only as provided in 2-15-121.

HB 0614/04

-6-

<u>NEW SECTION.</u> Section 4. Term of office -- vacancies.
 (1) Each member of the committee shall serve for a term of 3
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6 (2) A vacancy on the committee must be filled in the7 same manner as the original appointment.

NEW SECTION. Section 5. Officers -- meetings - quorum -- compensation. (1) The committee shall choose a
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(2) The committee shall meet at least once every 3
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 or by a majority of the committee.

14 (3) Six members of the committee constitute a quorum15 for the transaction of business.

16 (4) All members of the committee are entitled to
17 reimbursement of expenses as provided in 2-18-501 through
18 2-18-503. Members of the committee who are not state
19 employees are also entitled to receive compensation of \$50
20 for each day they are engaged in official business of the
21 committee.

NEW SECTION. Section 6. Power and duties. The
committee shall oversee administration of the program
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committee shall:

HB 0614/04

| 1 | (1) establish policies and procedures governing |
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| 2 | administration of the program; |
| 3 | (2) analyze and approve a budget for administration of |
| 4 | services under the program; |
| 5 | (3) monitor the expenditure of funds for the program; |
| 6 | AND |
| 7 | <pre>(4)approveordisapprovethechargeon-telephone</pre> |
| 8 | customers-provided-for-in-{section-12};-and |
| 9 | (4) PROVIDE FOR ADMINISTRATION OF ELIGIBILITY AND THE |
| 10 | DELIVERY OF SERVICES FOR THE PROGRAM AS PROVIDED FOR IN |
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| 12 | <pre>{5}<u>{4}(5)</u> perform any other duties necessary to</pre> |
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| 20 | (2) The purpose of the program is to: |
| 21 | (a) furnish specialized telecommunications equipment |
| 22 | to meet the needs of persons who are handicapped; and |
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-7-

-8-

HB 614

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 shall:

7 (1) develop an appropriate means test to determine8 eligibility for participation in the program;

9 (2) require that participants in the program be 10 residents of Montana and that residency be maintained as a 11 condition of eligibility for continued participation in the 12 program;

13 (3) require that participants provide satisfactory
14 evidence that they are handicapped and would benefit from
15 the use of specialized telecommunications equipment;

16 (4) provide specialized telecommunications equipment
17 to participants on the basis of a loan or lease arrangement
18 that may include cost-sharing between the handicapped person
19 and his employer;

20 (5) determine the type of specialized
 21 telecommunications equipment it considers necessary and
 22 economically feasible for use by Montana's handicapped;

23 (6) purchase or lease all specialized
24 telecommunications equipment through bid by wholesale
25 manufacturers on a competitive basis;

(7) require, as a condition of each equipment purchase
 or lease, that the original manufacturer provide repair and
 maintenance service for new and returned equipment;

4 (8) maintain records of each item of equipment,
5 including the location, serial number, and telephone number
6 of each device;

7 (9) require an appropriate security deposit for
8 equipment at the time of delivery, which deposit must be
9 refunded without interest when the equipment is returned;

10 (10) make reasonable efforts to recover equipment from 11 those who become ineligible for continued participation in 12 the program;

(11) provide a dual-party relay system that, if
feasible, would be available statewide for operation 7 days
a week, 24 hours a day, including holidays;

16 (12) implement the service described in subsection (11) 17 within ±-year 2 YEARS following [the effective date of this 18 act]; and

19 (13) adopt rules necessary to administer the program.

<u>NEW SECTION.</u> Section 9. Dual-party relay system -- requirements. The department <u>COMMITTEE</u> shall contract with a
 qualified provider to design and implement a dual-party
 relay system that fulfills the purpose described in [section
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 of the contract, that:

-9-

HB 614

HB 0614/04

-10-

1 (1) the system relay all messages promptly and 2 accurately;

3 (2) the system maintain the privacy of persons using4 the system; and

5 (3) the provider preserve the confidentiality of all
6 telephone communications, except in instances in which such
7 confidentiality would further a violation of the law.

8 <u>NEW SECTION.</u> Section 10. Gifts and grants. The 9 department <u>COMMITTEE</u> may accept contributions, gifts, and 10 grants, in money or otherwise, to the program established in 11 [section 7]. Monetary contributions, gifts, and grants must 12 be deposited in the fund provided for in [section 11].

NEW SECTION. Section 11. Fund for telecommunications
 services for the handicapped. (1) There is a-fund <u>AN ACCOUNT</u>
 for telecommunications services for the handicapped in the
 state special revenue fund in the state treasury. The fund
 ACCOUNT consists of:

(a) all monetary contributions, gifts, and grants
 received by the department <u>COMMITTEE</u> as provided in [section
 10); and

21 (b) all charges billed and collected pursuant to 22 [section 12].

(2) The money in the fund <u>ACCOUNT IS STATUTORILY</u>
 <u>APPROPRIATED</u>, <u>AS PROVIDED IN 17-7-502</u>, <u>AND</u> is allocated to
 the committee for purposes of implementing [this act].

(3) All expenditures of the committee and--of--the
 department in administering [this act] must be paid from
 money deposited in the fund <u>ACCOUNT</u>.

4 NEW SECTION. Section 12. Special assessment. (1) The 5 department--shall--annually-establish-by-rule-a-charge-that; 6 together-with-any-surplus-revenues-carried-forward-from--the 7 previous--year--fully-covers-the-cost-of-administering-{this 8 act]:-The A charge may-not-exceed OF 10 cents a month MAY BE 9 ASSESSED on each telephone access line provided and billed 10 by each local exchange company AND IS IMPOSED FOR THE 11 PURPOSES OF [THIS ACT].

12 (2)--The-department-shall-determine-the-charge-provided 13 for-in-subsection-fl}-no-later--than--September--l--of--each 14 yeary-with-the-new-charge-to-take-effect-at-the-beginning-of 15 the--first--billing--period--of--each--customer--on-or-after 16 January-1--of--the--following--year:--The--department--shall 17 promptiv--publish--the--new-charge-and-shall-provide-to-each 18 local-exchange-company-notice-of-the-new-charge-by-certified 19 mail-at-least-90-days-before-the-new--charge--is--to--become effective-20

t3;(2) Each customer of a local exchange company is
liable for payment to the local exchange company of any
charge properly imposed pursuant to [this act]. The local
exchange company is not liable for any uncollected charge,
nor does the company have an obligation to take legal action

-12-

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HB 614

HB 614

HB 0614/04

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to enforce the collection of any charge that is unpaid by
 its customers.

3 (4)(3) Each local exchange company shall bill each customer for the charge provided for in subsection (1). 4 Except as provided in subsection (5) (4), all charges billed 5 and collected by a local exchange company must be 6 7 transmitted to the state treasurer no later than the last day of the month following the end of each calendar guarter 8 9 in which the charge is billed. All charges received by the 10 state treasurer must be deposited in the fund established in [section 11] to the credit of the department COMMITTEE. 11

12 (5)(4) Each local exchange company may deduct and 13 retain 3/4 of 1% of the total charges billed and collected 14 each month to cover its administrative expenses in complying 15 with the requirements of subsection (4)(3).

16 <u>NEW SECTION.</u> Section 13. Records -- audit. (1) Each 17 local exchange company shall maintain a record of the 18 charges billed and the charges collected pursuant to 19 [section 12] for a period of 1 year from the date of billing 20 or collection, respectively.

(2) The department <u>COMMITTEE</u> may require an audit of
each local exchange company's records to assure proper
accounting of all charges billed and collected pursuant to
(section 12). The audit must be conducted at the expense of
the department COMMITTEE.

-13-

HB 614

SECTION 14. SECTION 17-7-502, MCA, IS AMENDED TO READ: "17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment. (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

10 (a) The law containing the statutory authority must be11 listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory
appropriation is made as provided in this section.

15 (3) The following laws are the only laws containing 16 statutory appropriations: 2-9-202; 2-17-105; 2-18-812: 17 10-3-203; 10-3-312; 10-3-314; 10-4-301;13-37-304; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 18 15-70-101: 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 19 17-5-804: 20 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 21 19-10-305: 19-10-506: 19-11-512; 19-11-513; 19-11-606; 22 19-12-301; 19-13-604; 20 - 4 - 109;20-6-406; 20-8-111; 33-31-212; 23 23-5-610; 23-5-1027; 33-31-401; 37-51-501; **39-71-2504**; **53-6-150**; **53-24-206**; [SECTION 11]; 67-3-205; 24 76-12-123; 80-2-103: 80-2-228; 25 75-1-1101; 75-7-305;

HB 0614/04

-14-

HB 614

82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
 90-15-103; section 13, House Bill No. 861, Laws of 1985; and
 section 1, Chapter 454, Laws of 1987.

4 (4) There is a statutory appropriation to pay the 5 principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, 6 7 that have been authorized and issued pursuant to the laws of 8 Montana. Agencies that have entered into agreements 9 authorized by the laws of Montana to pay the state 10 treasurer, for deposit in accordance with 17-2-101 through 11 17-2-107, as determined by the state treasurer, an amount 12 sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for 13 14 such payments. (In subsection (3): pursuant to sec. 15, Ch. 15 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion 16 17 of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 18 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 19 1987, terminates July 1, 1988.)"

20 <u>NEW SECTION.</u> Section 15. Codification instruction.
21 (1)-(Sections-1;-2;-and-4-through-13)--are--intended--to--be
22 codified-as-an-integral-part-of-Title-69;-chapter-3;-and-the
23 provisions--of-Title-69;-chapter-3;-apply-to-(sections-1;-2;
24 and-4-through-13);

25 t2; [Section 3] is intended to be codified as an

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HB 0614/04

integral part of Title 2, chapter 15, part 22, and the
 provisions of Title 2, chapter 15, part 22, apply to
 (section 3).

4 <u>NEW SECTION.</u> Section 16. Effective date. [This act]

5 is effective July 1, 1989.

-End-

-16-

April 17, 1989

MR. PRESIDENT: We, your committee on Finance and Claims, having had under consideration HB 614 (third reading copy -- blue), respectfully report that HB 614 be amended and as so amended be not concurred in:

Sponsor: Wyatt (Aklestad)

1. Title, lines 18 and 19.
Following: "PROGRAM;" on line 18
Strike: remainder of line 18 through "MCA;" on line 19
Insert: "APPROPRIATING FUNDS"

2. Page 2, line 1.
Strike: "PERSONS WHO ARE"
Insert: "the"

3. Page 11, lines 23 and 24. Following: "<u>ACCOUNT</u>" on line 23 Strike: remainder of line 23 through "<u>AND</u>" on line 24

4. Page 14, line 1 through page 15, line 19. Strike: section 14 in its entirety Insert: "<u>NEW SECTION.</u> Section 14. Appropriation. The following money is appropriated from the account established in [section 11] to the committee on telecommunications services for the handicapped for the purpose of administering [this act]:

| FY 90 | <u>FY 91</u> |
|---------------|--------------|
| \$ 277,831 | \$ 477,475" |

| AND | AS | AMENDED | BE | NOT | CONCURRED IN | • < | A | 5 | u |
|-----|----|---------|----|-----|--------------|------|------|----------|----------|
| | | | | | Sign | ned: | Pata | <u> </u> | Chairman |
| | | | | | | | recc | | |

51st Legislature

HB 0614/05

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|----|---|---|---|---|---|---|---|

| 1 | HOUSE BILL NO. 614 | 1 | PERSONS-WHO-ARE THE HANDICAPPED to adopt rules to administer |
|----|---|----|--|
| 2 | INTRODUCED BY WYATT, VAN VALKENBURG, COCCHIARELLA, LYNCH, | 2 | and fund a program to provide specialized telecommunications |
| 3 | WALKER, GRADY, GOULD, PECK, HARRINGTON, MENAHAN, | 3 | equipment and services to persons who are handicapped. |
| 4 | PAVLOVICH, DRISCOLL, BRADLEY, MARKS, O'CONNELL, MCDONOUGH, | 4 | It is the intent of the legislature that the department |
| 5 | SQUIRES, KADAS, MCCORMICK, BACHINI, VINCENT | 5 | COMMITTEE adopt rules, in accordance with [section 8], as |
| 6 | | 6 | may be necessary to administer the program. Rules adopted by |
| 7 | A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM | 7 | the department COMMITTEE may address matters such as: |
| 8 | TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND | 8 | (1) eligibility for participation in the program; |
| 9 | SERVICES TO THE HANDICAPPED; PROVIDING FOR A STATEWIDE | 9 | (2) the types of equipment and services to be provided |
| 10 | DUAL-PARTY RELAY SYSTEM TO CONNECT PERSONS WHO ARE | 10 | under the program; |
| 11 | HANDICAPPED WITH ALL PHASES OF PUBLIC TELECOMMUNICATIONS | 11 | (3) the conditions and terms for the loan or lease of |
| 12 | SERVICE; REQUIRINGTHEBEPARTMENTOPSOCIALAND | 12 | specialized telecommunications equipment to eligible |
| 13 | REHABILITATIONSERVICESTOABMINISTERTHEPROGRAM; | 13 | participants in the program; |
| 14 | ESTABLISHING A COMMITTEE THAT INCLUDES MEMBERS OF | 14 | (4) requirements governing the purchase or lease of |
| 15 | GOVERNMENT, BUSINESS, REGULATED TELECOMMUNICATIONS SERVICES, | 15 | specialized telecommunications equipment from qualified |
| 16 | AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF THE | 16 | wholesale manufacturers; and |
| 17 | PROGRAM; AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE | 17 | (5) the definition of terms used in the bill. |
| 18 | CUSTOMERS TO FINANCE THE PROGRAM; PROVIDINGASTATUTORY | 18 | In addition, the legislature intends that the |
| 19 | APPROPRIATION; - AMENDING-SECTION-17-7-502; -MCA; APPROPRIATING | 19 | departmentannuallyadoptrulessettingthe PROGRAM BE |
| 20 | FUNDS; AND PROVIDING AN EFFECTIVE DATE." | 20 | SELF-SUPPORTING AND BE FUNDED BY A 10-CENT MONTHLY charge on |
| 21 | | 21 | telephone customers provided for in [section 12]. The-charge |
| 22 | STATEMENT OF INTENT | 22 | may-not-exceed-10-cents-a-monthoneachtelephoneaccess |
| 23 | A statement of intent is required for this bill because | 23 | line-provided-by-each-local-exchange-company,-and-the-charge |
| 24 | it requires the departmentofsocial-and-renabilitation | 24 | maynotbeimposedonmorethan100access-lines-per |
| 25 | Services COMMITTEE ON TELECOMMUNICATIONS SERVICES FOR | 25 | customer- |
| | | | |
| | | | |



- 2 -REFERENCE BILL AS AMENDED

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HB 0614/05

1 All-rules-adopted-by--the--department--are--subject--to
2 review-and-approval-by-the-committee-established-in-faction
3 3]-

In adopting rules, the department <u>COMMITTEE</u> should consider the success of programs in other states that provide specialized telecommunications equipment and services to the handicapped, including programs established in Oregon and Idaho.

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Legislative findings and 12 declaration. (1) The legislature finds and declares that 13 many Montana citizens are physically handicapped and are 14 unable to use traditional telecommunications equipment and 15 services without assistance. These citizens constitute a 16 substantial and valuable resource within the United States 17 and the state of Montana, and this segment of our population 18 needs access to telecommunications services in order to function as contributing and productive members of our 19 20 society.

(2) The legislature further finds and declares that
the role of telecommunications in our world today is
inestimable. Telecommunications is the primary vehicle of
commerce and industry, the means to convey and receive
information and knowledge, and the way we connect with

others on a personal as well as business level.
 Telecommunications gives people independence and
 self-sufficiency, and it provides goods and services, human
 contact, and fellowship.

5 (3) The legislature further finds that access to 6 telecommunications services should be provided to persons 7 who are handicapped not only for their own sake but for the 8 benefit of society at large. Access to telecommunications 9 services would enhance the business and personal lives of 10 handicapped persons, and its availability to the handicapped 11 would be an investment of benefit to all of Montana.

12 (4) Consistent with the findings stated in subsections 13 (1) through (3), the legislature finds it appropriate to 14 provide handicapped persons access to telecommunications 15 services by creating a program to make specialized 16 telecommunications equipment and services available to the 17 handicapped.

18 <u>NEW SECTION.</u> Section 2. Definitions. As used in [this 19 act], unless the context requires otherwise, the following 20 definitions apply:

(1) "Committee" means the committee on
telecommunications services for the handicapped established
in [section 3].

24 (2)--"Bepartment"--means--the--department-of-social-and 25 rehabilitation-services-provided-for-in-2-15-22017

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HB 614

1 $(\exists + (2))$ "Dual-party relay system" means a service that 2 permits full and simultaneous communication between those 3 using telecommunications devices for the deaf (TDD) and 4 those using conventional telephone equipment.

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HB 614

HB 614

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HB 0614/05

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-7-

HB 614

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(2) require that participants in the program be 9 residents of Montana and that residency be maintained as a 10 condition of eligibility for continued participation in the 11 12 program;

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HB 614

1 (7) require, as a condition of each equipment purchase 2 or lease, that the original manufacturer provide repair and 3 maintenance service for new and returned equipment;

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HB 0614/05

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3 (2) the system maintain the privacy of persons using the system; and 4

5 (3) the provider preserve the confidentiality of all telephone communications, except in instances in which such 6 7 confidentiality would further a violation of the law.

8 NEW SECTION. Section 10. Gifts and grants. The 9 department COMMITTEE may accept contributions, gifts, and 10 grants, in money or otherwise, to the program established in 11 [section 7]. Monetary contributions, gifts, and grants must 12 be deposited in the fund provided for in [section 11].

13 NEW SECTION. Section 11. Fund for telecommunications 14 services for the handicapped. (1) There is a-fund AN ACCOUNT 15 for telecommunications services for the handicapped in the state special revenue fund in the state treasury. The fund 16 17 ACCOUNT consists of:

18 (a) all monetary contributions, gifts, and grants 19 received by the department COMMITTEE as provided in [section 20 10]; and

21 (b) all charges billed and collected pursuant to 22 [section 12].

(2) The money in the fund ACCOUNT #S-STATUTORIES 23 APPROPRIATED, AS-PROVIDED-IN-17-7-5027-AND is allocated to 24 25 the committee for purposes of implementing [this act].

(3) All expenditures of the committee and--of-the 1 department in administering [this act] must be paid from 2 3 money deposited in the fund ACCOUNT.

NEW SECTION. Section 12. Special assessment. (1) The 4 5 department-shall-annually-establish-by-rule-a--charge--that; 6 together--with-any-surplus-revenues-carried-forward-from-the 7 previous-yeary-fully-covers-the-cost-of-administering--{this actl:-The A charge may-not-exceed OF 10 cents a month MAY BE 8 ASSESSED on each telephone access line provided and billed 9 by each local exchange company AND IS IMPOSED FOR THE 10 11 PURPOSES OF [THIS ACT]. (2)--The-department-shall-determine-the-charge-provided 12 13 for--in--subsection--(1)--no--later-than-September-1-of-each 14 year,-with-the-new-charge-to-take-effect-at-the-beginning-of the-first-billing--period--of--each--customer--on--or--after 15 16 January--1--of--the--fellowing--year---The--department-shall 17 promptly-publish-the-new-charge-and-shall--provide--to--each 18 local-exchange-company-notice-of-the-new-charge-by-certified 19 mail---at--least--90--days-before-the-new-charge-is-to-become

20 effective-

(3)(2) Each customer of a local exchange company is 21 liable for payment to the local exchange company of any 22 23 charge properly imposed pursuant to [this act]. The local 24 exchange company is not liable for any uncollected charge, 25 nor does the company have an obligation to take legal action

-12-

-11-

HB 614

HB 0614/05

1 to enforce the collection of any charge that is unpaid by 2 its customers.

3 (4)(3) Each local exchange company shall bill each 4 customer for the charge provided for in subsection (1). 5 Except as provided in subsection (5) (4), all charges billed 6 and collected by a local exchange company must be 7 transmitted to the state treasurer no later than the last 8 day of the month following the end of each calendar guarter 9 in which the charge is billed. All charges received by the 10 state treasurer must be deposited in the fund established in 11 (section 11) to the credit of the department COMMITTEE.

12 (5)(4) Each local exchange company may deduct and 13 retain 3/4 of 1% of the total charges billed and collected 14 each month to cover its administrative expenses in complying 15 with the requirements of subsection (4) (3).

16 <u>NEW SECTION.</u> Section 13. Records -- audit. (1) Each 17 local exchange company shall maintain a record of the 18 charges billed and the charges collected pursuant to 19 [section 12] for a period of 1 year from the date of billing 20 or collection, respectively.

(2) The department <u>COMMITTEE</u> may require an audit of
each local exchange company's records to assure proper
accounting of all charges billed and collected pursuant to
[section 12]. The audit must be conducted at the expense of
the department COMMITTEE.

1 SECTION 14 .-- SECTION-17-7-5027-MCA7-15-AMENDED-TO-READ: 2 "17-7-502---Statutory-appropriations-----definition---requisites--for--validity---(1)-A-statutory-appropriation-is 3 4 an-appropriation--made--by--permanent--law--that--authorizes 5 spending--by--a-state-agency-without-the-need-for-a-biennial 6 legislative-appropriation-or-budget-amendment-7 t2t=-Except--as--provided--in--subsection--t4ty--to--be 8 effective---a--statutory-appropriation-must-comply-with-both q of-the-following-provisions-10 fa)--The-law-containing-the-statutory-authority-must-be 11 listed-in-subsection-(3). 12 (b)--The-law-pr-portion-of-the-law-making--a--statutory 13 appropriation--must--specifically--state--that--a--statutory 14 appropriation-is-made-as-provided-in-this-section-15 (3)--The-following-laws-are-the--only--laws--containing 16 statutory---appropriations:---2-9-202;--2-17-105;--2-18-812; 17 10-3-203;---10-3-312;---10-3-314;----10-4-301;----13-37-304; 15-25-123;---15-31-702;---15-36-112;--15-65-121;--15-70-101; 18 19 ±6-1-404;-16-1-410;-16-1-411;-17-3-212;-17-5-404;--17-5-424; 17-5-884;----19-8-584;---19-9-782;---19-9-1887;---19-18-285; 2.0 21 ±9-±0-305;--±9-±0-506;--+9-±1-5±2;---±9-±±-5±3;---±9-±±-606; 22 19-12-301;----19-13-604;---20-4-109;---20-6-406;---20-8-111; 23 23-5-610;--23-5-1027;---33-31-212;---33-31-401;---37-51-501; 24 39-71-2504;--53-6-150;--53-24-206; {SECTION--111; 67-3-205;

-13-

HB 614

-14-

1 2 2 and the second of the

| 1 | 02-11-1367-90-3-3017-90-3-3027-90-3-4127-90-4-2157-90-9-3067 |
|------------|--|
| 2 | 90-15-103;-section-13;-House-Bill-No;-861;-baws-of-1985;-and |
| 3 | section-17-Chapter-4547-Laws-of-1987- |
| 4 | (4)Thereisastatutoryappropriationto-pay-the |
| 5 | principal;-interest;-premiums;-and-costs-of-issuing;-paying; |
| 6 | and-securing-all-bonds;-notes;-or-other-obligations;-as-due; |
| 7 | that-have-been-authorized-and-issued-pursuant-to-the-laws-of |
| 8 | MontanaAgenciesthathaveenteredintoagreements |
| 9 | authorizedbythelawsofMontanatopaythestate |
| 10 | treasurer,-for-deposit-in-accordance-with17-2-101through |
| 11 | 17-2-107,asdeterminedby-the-state-treasurer,-an-amount |
| 12 | sufficient-to-pay-the-principal-and-interest-as-dueonthe |
| 13 | bondsornoteshave-statutory-appropriation-authority-for |
| 14 | such-payments(in-subsection-(3)pursuant-to-sec15;-Ch- |
| 15 | 607y-b:-1987y-the-inclusion-of-15-65-121-terminates-June-30y |
| 16 | 1989;-pursuant-to-sec10;-Ch:-664;-5:-1987;theinclusion |
| 17 | of-39-71-2504-terminates-June-307-19917-and-pursuant-to-sec- |
| 1 8 | 67Ch4547b19877-the-inclusion-of-sec17-Ch4547-b- |
| 19 | 19877-terminates-July-17-1988;)" |
| 20 | NEW SECTION. SECTION 14. APPROPRIATION. THE FOLLOWING |
| 21 | MONEY IS APPROPRIATED FROM THE ACCOUNT ESTABLISHED IN |
| 22 | [SECTION 11] TO THE COMMITTEE ON TELECOMMUNICATIONS SERVICES |
| 23 | FOR THE HANDICAPPED FOR THE PURPOSE OF ADMINISTERING [THIS |
| 24 | <u>ACT]:</u> |
| 25 | <u>FY 90</u> |
| | -15- HB 614 |

HB 0614/05

| 1 | \$277,831 | \$477,475 |
|----|---------------------------------|-----------------------------------|
| 2 | NEW SECTION. Section | 15. Codification instruction. |
| 3 | (1){Sections1727and | -4-through-13]-are-intended-to-be |
| -1 | codified-as-an-integral-par | t-of-Title-697-chapter-37-and-the |
| 5 | provisions-of-Pitle-697-cha | pter-37-apply-to-fsections-i;27 |
| 6 | and-4-through-13] - | |
| - | (2) [Section 3] is | intended to be codified as an |
| 8 | integral part of Title 2, | chapter 15, part 22, and the |
| 9 | provisions of Title 2, | chapter 15, part 22, apply to |
| 10 | [section 3]. | |
| 11 | NEW SECTION. Section | 16. Effective date. [This act] |

12 is effective July 1, 1989.

· "我们的你们,你们就是这些人,你们还是你们的你,你们还是你的,你们还是你的你?""你们,你们还是你的你们,你们你是你的你们,你们都不是你的你,你不能是你,你不是你,你们不是你,你们还不是你吗?"

-End-

-16-

HB 614

and the test of the second second