

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.
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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

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 21, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. 614
 2 INTRODUCED BY *Wesley Van Valkenburg Cacchiarella Deputy*
 3 *Paul Hamilton Member*
 4 A BILL FOR AN ACT ENTITLED: AN ACT ESTABLISHING A PROGRAM
 5 TO PROVIDE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT AND
 6 SERVICES TO THE HANDICAPPED; PROVIDING FOR A STATEWIDE
 7 DUAL-PARTY RELAY SYSTEM TO CONNECT PERSONS WHO ARE
 8 HANDICAPPED WITH ALL PHASES OF PUBLIC TELECOMMUNICATIONS
 9 SERVICE; REQUIRING 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,
 13 AND THE HANDICAPPED TO OVERSEE ADMINISTRATION OF THE
 14 PROGRAM; AUTHORIZING A 10-CENT MONTHLY CHARGE ON TELEPHONE
 15 CUSTOMERS TO FINANCE THE PROGRAM; AND PROVIDING AN EFFECTIVE
 16 DATE."

17 STATEMENT OF INTENT

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

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

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

- 3 (1) eligibility for participation in the program;
- 4 (2) the types of equipment and services to be provided
- 5 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
- 12 (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.

20 All rules adopted by the department are subject to
 21 review and approval by the committee established in [section
 22 3].

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

1 handicapped, including programs established in Oregon and
2 Idaho.

3
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
8 unable to use traditional telecommunications equipment and
9 services without assistance. These citizens constitute a
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
19 information and knowledge, and the way we connect with
20 others on a personal as well as business level.
21 Telecommunications gives people independence and
22 self-sufficiency, and it provides goods and services, human
23 contact, and fellowship.

24 (3) The legislature further finds that access to
25 telecommunications services should be provided to persons

1 who are handicapped not only for their own sake but for the
2 benefit of society at large. Access to telecommunications
3 services would enhance the business and personal lives of
4 handicapped persons, and its availability to the handicapped
5 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.

12 NEW SECTION. **Section 2.** Definitions. As used in (this
13 act), unless the context requires otherwise, the following
14 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.

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

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

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

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

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

(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 on 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;

(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 interexchange carrier; and

(g) one member from the public service commission.

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

NEW SECTION. 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.

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

NEW SECTION. Section 5. Officers -- meetings --

quorum -- compensation. (1) The committee shall choose a chairman from its members.

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

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

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

NEW SECTION. Section 7. Program established --

purpose. (1) Subject to approval of the committee provided for in [section 3], the department 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 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.

NEW SECTION. Section 8. Powers and duties of

department. In administering the program established in [section 7], the department shall:

(1) develop an appropriate means test to determine 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;

(3) require that participants provide satisfactory evidence that they are handicapped and would benefit from 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;

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

(6) purchase or lease all specialized telecommunications equipment through bid by wholesale 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 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 feasible, would be available statewide for operation 7 days a week, 24 hours a day, including holidays;

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

(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:

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

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

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

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].

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

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

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

(2) The money in the fund 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.

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

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.

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

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

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

1 NEW SECTION. Section 13. Records -- audit. (1) Each
2 local exchange company shall maintain a record of the
3 charges billed and the charges collected pursuant to
4 [section 12] for a period of 1 year from the date of billing
5 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 NEW SECTION. 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 NEW SECTION. Section 15. Effective date. [This act]
21 is effective July 1, 1989.

-End-

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.

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.
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:

	<u>FY90</u>			<u>FY91</u>		
	Current Law	Proposed Law	Difference	Current Law	Proposed 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
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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).

Ray Shackelford

DATE 2/20/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DIANA E. WYATT, PRIMARY SPONSOR

DATE 2/21/89

Fiscal Note for HB614, as introduced

HB 614

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
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 EFFECTIVE DATE."

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

provide specialized telecommunications equipment and
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
necessary to administer the program. Rules adopted by the
department may address matters such as:

(1) eligibility for participation in the program;

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

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

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

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

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

All rules adopted by the department are subject to

1 review and approval by the committee established in [section
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.

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.

1 Telecommunications gives people independence and
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
12 (1) through (3), the legislature finds it appropriate to
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:

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

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

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

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

4 (4) "Handicapped" means the condition of a person who
5 is blind, deaf, hearing-impaired HARD-OF-HEARING, 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].

13 (7) "Specialized telecommunications equipment" means
14 any telecommunications device that enables or assists a
15 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 telebraille.

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

1 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 the governor as follows:

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

9 (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 in Montana;

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

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.

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

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

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

7 NEW SECTION. 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 quorum
14 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 NEW SECTION. 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

1 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--[section--12]--and~~

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

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

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

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

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

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

1 [section 7], the department shall:

2 (1) develop an appropriate means test to determine
3 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;

11 (4) provide specialized telecommunications equipment
12 to participants on the basis of a loan or lease arrangement
13 that may include cost-sharing between the handicapped person
14 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;

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

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

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.

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

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

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

25 (3) the provider preserve the confidentiality of all

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

3 NEW SECTION. 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 NEW SECTION. Section 11. Fund for telecommunications
9 services for the handicapped. (1) There is a fund AN ACCOUNT
10 for telecommunications services for the handicapped in the
11 state special revenue fund in the state treasury. The fund
12 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 ACCOUNT IS STATUTORILY
18 APPROPRIATED, AS PROVIDED IN 17-7-502, AND is allocated to
19 the committee for purposes of implementing [this act].

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

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

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

6 {2}--The department shall determine the charge provided
7 for--in--subsection--{1}--no--later--than--September--1--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
14 effective.

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

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.

~~{5}~~(4) 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}~~ (3).

NEW SECTION. 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.

(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]. The audit must be conducted at the expense of the department.

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:

(a) The law containing the statutory authority must be 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 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 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; 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; 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; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 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; 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 principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due,

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
 4 treasurer, for deposit in accordance with 17-2-101 through
 5 17-2-107, as determined by the state treasurer, an amount
 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.)"

14 NEW SECTION. Section 15. Codification instruction.
 15 ~~{1}--{Sections--17--27--and-4-through-13}--are-intended-to-be~~
 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}.~~

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 NEW SECTION. Section 16. Effective date. [This act]
 24 is effective July 1, 1989.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS

AS AMENDED

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
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 EFFECTIVE DATE."

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

PERSONS WHO ARE HANDICAPPED to adopt rules to administer and
fund a program to provide specialized telecommunications
equipment and services to persons who are handicapped.

It is the intent of the legislature that the department
COMMITTEE adopt rules, in accordance with [section 8], as
may be necessary to administer the program. Rules adopted by
the department COMMITTEE may address matters such as:

(1) eligibility for participation in the program;

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

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

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

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

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

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

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

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

(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 rehabilitation services provided for in 2-15-2201.~~

1 f37(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.

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

8 ~~157~~(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].

14 ~~77~~(6) "Specialized telecommunications equipment"
15 means any telecommunications device that enables or assists
16 a person who is handicapped to communicate with others by
17 means of the conventional telephone network. The term
18 includes but is not limited to telecommunications devices
19 for the deaf (TDD), amplifiers, signaling devices, puff-blow
20 devices, electronic artificial larynx devices, and
21 telebraille.

22 (b)(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

1 information.

2 NEW SECTION. **Section 3.** Committee on
3 telecommunications services for the handicapped --
4 composition -- allocation. (1) There is a committee on
5 telecommunications services for the handicapped.

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

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

10 (b) two members who are not handicapped, one of whom
11 must be engaged in a business other than a business in the
12 telecommunications industry and one of whom must be a senior
13 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.

NEW SECTION. 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.

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

NEW SECTION. Section 5. Officers -- meetings -- quorum -- compensation. (1) The committee shall choose a chairman from its members.

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

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

(4) All members of the committee are entitled to reimbursement of expenses as provided in 2-18-501 through 2-18-503. Members of the committee who are not state employees are also entitled to receive compensation of \$50 for each day they are engaged in official business of the 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) establish policies and procedures governing 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;

AND

~~{4}--approve--or--disapprove--the--charge--on--telephone customers--provided--for--in--{section--12};--and~~

(4) PROVIDE FOR ADMINISTRATION OF ELIGIBILITY AND THE DELIVERY OF SERVICES FOR THE PROGRAM AS PROVIDED FOR IN [SECTIONS 7, 8, 9, AND 10]; AND

~~{5}{4}{5}~~ perform any other duties necessary to properly oversee administration of the program.

NEW SECTION. Section 7. Program established -- purpose. (1) ~~Subject-to-approval-of-the--committee--provided for--in--{section--3};--the--department~~ THE COMMITTEE 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 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 telecommunication

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

3 NEW SECTION. Section 8. Powers-----and-----duties-----of
4 department PROVISION OF SERVICES. In administering the
5 program established in [section 7], the department COMMITTEE
6 shall:

7 (1) develop an appropriate means test to determine
8 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;

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;

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

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

20 NEW SECTION. Section 9. Dual-party relay system --
21 requirements. The department COMMITTEE 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 COMMITTEE shall require, under the terms
25 of the contract, that:

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

3 (2) the system maintain the privacy of persons using
4 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 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
16 state special revenue fund in the state treasury. The fund
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].

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

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

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 (1) no later than September 1 of each~~
14 ~~year, 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 ~~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.~~

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

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 quarter
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 NEW SECTION. 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 COMMITTEE 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 COMMITTEE.

1 **SECTION 14. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

2 "17-7-502. Statutory appropriations -- definition --
3 requisites for validity. (1) A statutory appropriation is an
4 appropriation made by permanent law that authorizes spending
5 by a state agency without the need for a biennial
6 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).

12 (b) The law or 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;
18 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
19 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
20 17-5-804; 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;
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 11]; 67-3-205;
25 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228;

1 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
 2 90-15-103; section 13, House Bill No. 861, Laws of 1985; and
 3 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,
 6 and securing all bonds, notes, or other obligations, as due,
 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
 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,
 16 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
 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 NEW SECTION. Section 15. Codification instruction.
 21 ~~{1} {Sections 17-27 and 4 through 13} are intended to be~~
 22 ~~codified as an integral part of Title 69, chapter 37 and the~~
 23 ~~provisions of Title 69, chapter 37 apply to {sections 17-27~~
 24 ~~and 4 through 13}.~~

25 {2} [Section 3] is intended to be codified as an

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-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

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

	FY90			FY91		
	Current Law	Proposed Law	Difference	Current 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
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 DATE 3/9/89
 RAY SHACKLEFORD, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE 3/13/89
 DIANA WYATT, PRIMARY SPONSOR

Fiscal Note for HB614, third reading**HB 614**

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
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 EFFECTIVE DATE."

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

provide specialized telecommunications equipment and
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
necessary to administer the program. Rules adopted by the
department may address matters such as:

- (1) eligibility for participation in the program;
- (2) the types of equipment and services to be provided
under the program;
- (3) the conditions and terms for the loan or lease of
specialized telecommunications equipment to eligible
participants in the program;
- (4) requirements governing the purchase or lease of
specialized telecommunications equipment from qualified
wholesale manufacturers; and
- (5) the definition of terms used in the bill.

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

All rules adopted by the department are subject to

1 review and approval by the committee established in [section
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.

8

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.

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.

1 Telecommunications gives people independence and
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
12 (1) through (3), the legislature finds it appropriate to
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:

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

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

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

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

4 (4) "Handicapped" means the condition of a person who
5 is blind, deaf, ~~hearing-impaired~~ HARD-OF-HEARING, 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].

13 (7) "Specialized telecommunications equipment" means
14 any telecommunications device that enables or assists a
15 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 telebraille.

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

1 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 the governor as follows:

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

9 (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 in Montana;

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

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.

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

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

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

7 NEW SECTION. 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 quorum
14 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 NEW SECTION. 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

1 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--[section 12];--and~~

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

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

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

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

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

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

1 [section 7], the department shall:

2 (1) develop an appropriate means test to determine
3 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;

11 (4) provide specialized telecommunications equipment
12 to participants on the basis of a loan or lease arrangement
13 that may include cost-sharing between the handicapped person
14 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;

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

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

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~~ 2 YEARS following [the effective date of this
13 act]; and

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

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

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

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

25 (3) the provider preserve the confidentiality of all

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

3 NEW SECTION. 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 NEW SECTION. Section 11. Fund for telecommunications
9 services for the handicapped. (1) There is a fund AN ACCOUNT
10 for telecommunications services for the handicapped in the
11 state special revenue fund in the state treasury. The fund
12 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 ACCOUNT IS STATUTORILY
18 APPROPRIATED, AS PROVIDED IN 17-7-502, AND is allocated to
19 the committee for purposes of implementing [this act].

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

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

1 ~~previous year, fully covers the cost of administering--(this~~
2 ~~act)--The A charge may not exceed OF 10 cents a month MAY BE~~
3 ~~ASSESSED~~ on each telephone access line provided and billed
4 by each local exchange company AND IS IMPOSED FOR THE
5 PURPOSES OF [THIS ACT].

6 {2}--The department shall determine the charge provided
7 for in subsection {1} no later than September 1 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
14 effective.

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

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.

~~†5†~~(4) 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†~~ (3).

NEW SECTION. 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.

(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]. The audit must be conducted at the expense of the department.

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:

(a) The law containing the statutory authority must be 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 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 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; 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; 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; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 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; 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 principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due,

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
 4 treasurer, for deposit in accordance with 17-2-101 through
 5 17-2-107, as determined by the state treasurer, an amount
 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.)"

14 NEW SECTION. Section 15. Codification instruction.
 15 ~~{1}--{Sections--17--27--and-4-through-13}--are-intended-to-be~~
 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}.~~

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 NEW SECTION. Section 16. Effective date. [This act]
 24 is effective July 1, 1989.

-End-

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
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 EFFECTIVE DATE."

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

PERSONS WHO ARE HANDICAPPED to adopt rules to administer and
fund a program to provide specialized telecommunications
equipment and services to persons who are handicapped.

It is the intent of the legislature that the department
COMMITTEE adopt rules, in accordance with [section 8], as
may be necessary to administer the program. Rules adopted by
the department COMMITTEE may address matters such as:

(1) eligibility for participation in the program;

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

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

(4) requirements governing the purchase or lease of
specialized telecommunications equipment from qualified
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(5) the definition of terms used in the bill.

In addition, the legislature intends that the
~~department--annually--adopt--rules--setting--the~~ PROGRAM BE
SELF-SUPPORTING AND BE FUNDED BY A 10-CENT MONTHLY charge on
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may--not--exceed--10--cents--a--month--on--each--telephone--access
line--provided--by--each--local--exchange--company;--and--the--charge
may--not--be--imposed--on--more--than--100--access--lines--per
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1 ~~All rules adopted by the department are subject to~~
 2 ~~review and approval by the committee established in section~~
 3 ~~31.~~

4 In adopting rules, the department COMMITTEE 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.

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11 NEW SECTION. Section 1. Legislative findings and
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 17 and the state of Montana, and this segment of our population
 18 needs access to telecommunications services in order to
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 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.

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 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].

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7 the governor as follows:

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

10 (b) two members who are not handicapped, one of whom
11 must be engaged in a business other than a business in the
12 telecommunications industry and one of whom must be a senior
13 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 (q) 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.

NEW SECTION. 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.

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

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

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

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

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(1) establish policies and procedures governing 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;

AND

~~{4}--approve--or--disapprove--the--charge--on-telephone customers-provided-for-in-{section-12};--and~~

(4) PROVIDE FOR ADMINISTRATION OF ELIGIBILITY AND THE DELIVERY OF SERVICES FOR THE PROGRAM AS PROVIDED FOR IN [SECTIONS 7, 8, 9, AND 10]; AND

~~{5}{4}{5}~~ perform any other duties necessary to properly oversee administration of the program.

NEW SECTION. Section 7. Program established -- purpose. (1) ~~Subject-to-approval-of-the--committee--provided for--in--{section--3};--the--department~~ THE COMMITTEE shall establish and administer a program to provide specialized telecommunications equipment and services to persons who are handicapped.

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8 eligibility for participation in the program;

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10 residents of Montana and that residency be maintained as a
11 condition of eligibility for continued participation in the
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14 evidence that they are handicapped and would benefit from
15 the use of specialized telecommunications equipment;

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25 manufacturers on a competitive basis;

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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

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

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21 requirements. The department COMMITTEE shall contract with a
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6 telephone communications, except in instances in which such
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
16 state special revenue fund in the state treasury. The fund
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].

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

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

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 (1) no later than September--1--of--each
14 year, 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 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.

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

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

~~†4†~~(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 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 COMMITTEE.

~~†5†~~(4) 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†~~ (3).

NEW SECTION. 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.

(2) The department COMMITTEE 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.

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:

(a) The law containing the statutory authority must be 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 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 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; 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; 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; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 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;

1 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
 2 90-15-103; section 13, House Bill No. 861, Laws of 1985; and
 3 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,
 6 and securing all bonds, notes, or other obligations, as due,
 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
 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,
 16 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
 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 NEW SECTION. 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

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-

SENATE STANDING COMMITTEE REPORT

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: "ACCOUNT" on line 23

Strike: remainder of line 23 through "AND" on line 24

4. Page 14, line 1 through page 15, line 19.

Strike: section 14 in its entirety

Insert: "NEW SECTION. 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

FY 91

\$ 277,831

\$ 477,475"

AND AS AMENDED BE NOT CONCURRED IN

Signed: _____


Pete Story, Chairman

SENATE
HB 614

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

A BILL FOR AN ACT ENTITLED: "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; APPROPRIATING~~
FUNDS; AND PROVIDING AN EFFECTIVE DATE."

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

PERSONS-WHO-ARE THE HANDICAPPED to adopt rules to administer
and fund a program to provide specialized telecommunications
equipment and services to persons who are handicapped.

It is the intent of the legislature that the ~~department~~
COMMITTEE adopt rules, in accordance with [section 8], as
may be necessary to administer the program. Rules adopted by
the ~~department~~ COMMITTEE may address matters such as:

(1) eligibility for participation in the program;

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

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

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

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

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

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

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

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

(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.~~

1 †3†(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.

5 †4†(3) "Handicapped" means the condition of a person
6 who is blind, deaf, hearing-impaired HARD-OF-HEARING, 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].

14 †7†(6) "Specialized telecommunications equipment"
15 means any telecommunications device that enables or assists
16 a person who is handicapped to communicate with others by
17 means of the conventional telephone network. The term
18 includes but is not limited to telecommunications devices
19 for the deaf (TDD), amplifiers, signaling devices, puff-blow
20 devices, electronic artificial larynx devices, and
21 telebraille.

22 †8†(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

1 information.

2 NEW SECTION. Section 3. Committee on
3 telecommunications services for the handicapped --
4 composition -- allocation. (1) There is a committee on
5 telecommunications services for the handicapped.

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

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

10 (b) two members who are not handicapped, one of whom
11 must be engaged in a business other than a business in the
12 telecommunications industry and one of whom must be a senior
13 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.

NEW SECTION. 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.

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

NEW SECTION. Section 5. Officers -- meetings --

quorum -- compensation. (1) The committee shall choose a chairman from its members.

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

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

(4) All members of the committee are entitled to reimbursement of expenses as provided in 2-18-501 through 2-18-503. Members of the committee who are not state employees are also entitled to receive compensation of \$50 for each day they are engaged in official business of the 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) establish policies and procedures governing 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;

AND

~~(4) -- approve or -- disapprove -- the -- charge -- on -- telephone customers provided for in [section 12]; and~~

(4) PROVIDE FOR ADMINISTRATION OF ELIGIBILITY AND THE DELIVERY OF SERVICES FOR THE PROGRAM AS PROVIDED FOR IN [SECTIONS 7, 8, 9, AND 10]; AND

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

NEW SECTION. Section 7. Program established --
purpose. (1) ~~Subject to approval of the committee provided for in [section 3], the department~~ THE COMMITTEE 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 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

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

3 NEW SECTION. Section 8. Powers and duties of
4 department PROVISION OF SERVICES. In administering the
5 program established in [section 7], the department COMMITTEE
6 shall:

7 (1) develop an appropriate means test to determine
8 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;

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;

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

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

20 NEW SECTION. Section 9. Dual-party relay system --
21 requirements. The department COMMITTEE 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 COMMITTEE shall require, under the terms
25 of the contract, that:

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

3 (2) the system maintain the privacy of persons using
4 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 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
16 state special revenue fund in the state treasury. The fund
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].

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

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

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--(1)--no later than September 1 of each~~
14 ~~year, 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 ~~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.~~

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

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 quarter
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 NEW SECTION. 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 COMMITTEE 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 COMMITTEE.

1 SECTION 14. ~~SECTION 17-7-502, MCA, IS AMENDED TO READ:~~

2 "17-7-502. Statutory appropriations ---- definition ----
3 requisites -- for -- validity. -- (1) A statutory appropriation is
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 {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).

12 {b} -- The law or 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;
18 15-25-123; -- 15-31-702; -- 15-36-112; -- 15-65-121; -- 15-70-101;
19 16-1-404; -- 16-1-418; -- 16-1-411; -- 17-3-212; -- 17-5-404; -- 17-5-424;
20 17-5-804; -- 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;
23 23-5-610; -- 23-5-102; -- 33-31-212; -- 33-31-401; -- 37-51-501;
24 39-71-2504; -- 53-6-150; -- 53-24-206; SECTION 111; 67-3-205;
25 75-1-1101; -- 75-7-305; -- 76-12-123; -- 80-2-103; -- 80-2-220;

1 82-11-1367-90-3-3017-90-3-3027-90-3-4127-90-4-2157-90-9-3067
 2 90-15-1037-section-137-House-Bill-Not-8617-laws-of-19857-and
 3 section-17-Chapter-4547-laws-of-19877

4 {1}--There--is--a--statutory--appropriation--to--pay--the
 5 principal7-interest7-premiums7-and-costs-of-issuing7-paying7
 6 and-securing-all-bonds7-notes7-or-other-obligations7-as-due7
 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 treasurer7-for-deposit-in-accordance-with--17-2-101--through
 11 17-2-1077--as--determined--by--the--state--treasurer7-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-payments7--{in-subsection-{3}7--pursuant-to-sec7-157-Ch7
 15 6077-B7-19877-the-inclusion-of-15-65-121-terminates-June-307
 16 19897-pursuant-to-sec7-107-Ch7-6647-B7-19877-the--inclusion
 17 of-39-71-2584-terminates-June-307-19917-and-pursuant-to-sec7
 18 67--Ch7-4547--B7-19877-the-inclusion-of-sec7-17-Ch7-4547-B7
 19 19877-terminates-July-17-19887}"

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 ACT]:

25 FY 90

FY 91

1 \$277,831 \$477,475
 2 NEW SECTION. Section 15. Codification instruction.
 3 {1}--{Sections--17--27--and-4-through-13}--are-intended-to-be
 4 codified-as-an-integral-part-of-Title-697-chapter-37-and-the
 5 provisions-of-Title-697-chapter-37-apply-to-{sections-17--27
 6 and-4-through-13}7
 7 {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.

-End-