

*House* BILL NO. *207*

INTRODUCED BY

*Grady*

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROVISIONS OF TELECOMMUNICATIONS SERVICES FOR THE DISABLED; PROVIDING FOR AN ADDITIONAL MEMBER ON THE COMMITTEE ON MONTANA TELECOMMUNICATIONS ACCESS SERVICES FOR THE DISABLED; AMENDING SECTIONS 2-15-2212, 53-19-301, 53-19-302, 53-19-303, 53-19-304, 53-19-306, 53-19-307, 53-19-308, AND 53-19-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-2212, MCA, is amended to read:

"2-15-2212. Committee on telecommunications access services for the handicapped disabled -- composition -- allocation. (1) There is a committee on Montana telecommunications access services for the handicapped disabled.

(2) The committee consists of ~~44~~ 12 members appointed by the governor as follows:

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

(b) two members who are not ~~handicapped disabled~~, 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 public health and human 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; and

(h) one member who is a licensed audiologist.

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

Section 2. Section 53-19-301, MCA, is amended to read:

"53-19-301. Legislative findings and declaration. (1) The legislature finds and declares that many

1 Montana citizens are physically ~~handicapped~~ disabled and are unable to use traditional telecommunications  
 2 equipment and services without assistance. These citizens constitute a substantial and valuable resource  
 3 within the United States and the state of Montana, and this segment of our population needs access to  
 4 telecommunications services in order to function as contributing and productive members of our society.

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

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

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

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 20 **Section 3.** Section 53-19-302, MCA, is amended to read:

21 "**53-19-302. Definitions.** As used in this part, unless the context requires otherwise, the following  
 22 definitions apply:

23 (1) "Committee" means the committee on telecommunications access services for the ~~handicapped~~  
 24 disabled established in 2-15-2212.

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

28 ~~(3)(2)~~ "HandicappedDisabled" means the condition of a person who is blind, deaf, hard-of-hearing,  
 29 or speech-impaired.

30 ~~(4)(3)~~ "Local exchange company" means a telecommunications company that provides telephone

1 access lines or wireless service to members of the general public who are its customers.

2 ~~(5)~~(4) "Program" means the program established in 53-19-306.

3 ~~(6)~~(5) "Specialized telecommunications equipment" means any telecommunications device that  
4 enables or assists a person who is ~~handicapped~~ disabled to communicate with others by means of the  
5 conventional telephone network. The term includes but is not limited to ~~telecommunications devices for the~~  
6 ~~deaf (TDD)~~ text telephones (TTY), amplifiers, signaling devices, puff-blow devices, electronic artificial larynx  
7 devices, and telebraille.

8 (6) "Telecommunications relay service" means a service that permits full and simultaneous  
9 communication between those using specialized telecommunications equipment and those using  
10 conventional telephone equipment.

11 (7) "Telephone access line" means the telephone exchange access line or channel or wireless  
12 service that provides access ~~from the premises of a~~ the customer of a local exchange company with access  
13 to the telecommunications network to effect the transfer of information."

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15 **Section 4.** Section 53-19-303, MCA, is amended to read:

16 **"53-19-303. Term of office -- vacancies.** (1) Each member of the committee shall serve for a term  
17 of 3 years, ~~except that the governor shall appoint four of the initial members to serve terms of 1 year and~~  
18 ~~four of the initial members to serve terms of 2 years.~~

19 (2) A vacancy on the committee must be filled in the same manner as the original appointment."  
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22 **Section 5.** Section 53-19-304, MCA, is amended to read:

23 **"53-19-304. Officers -- meetings -- quorum -- compensation.** (1) The committee shall choose a  
24 ~~chairman~~ presiding officer from its members.

25 (2) The committee shall meet at least ~~once every 3 months~~ four times a year and at ~~such~~ other  
26 times as determined by the ~~chairman~~ presiding officer or by a majority of the committee.

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

28 (4) All members of the committee are entitled to reimbursement of expenses as provided in  
29 2-18-501 through 2-18-503. Members of the committee who are not state employees are also entitled to  
30 receive compensation of \$50 for each day that they are engaged in official business of the committee."

1           **Section 6.** Section 53-19-306, MCA, is amended to read:

2           **"53-19-306. Program established -- purpose.** (1) The committee shall establish and administer a  
3 program to provide specialized telecommunications equipment and services to persons who are ~~handicapped~~  
4 disabled.

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

6           (a) furnish specialized telecommunications equipment to meet the needs of persons who are  
7 ~~handicapped disabled~~; and

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

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12           **Section 7.** Section 53-19-307, MCA, is amended to read:

13           **"53-19-307. Provision of services.** In administering the program established in 53-19-306, the  
14 committee shall:

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

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

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

20           (4) provide specialized telecommunications equipment to participants ~~on the basis of a loan or lease~~  
21 ~~arrangement that may include cost sharing between the handicapped person and his employer~~ through loan,  
22 lease, cost sharing, or other methods that are determined appropriate by the committee;

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

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

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

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

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

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

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

7 (12) ~~implement the service described in subsection (11) within 2 years following July 1, 1989; and~~  
8 ~~(13)~~ adopt rules necessary to administer the program."

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10 **Section 8.** Section 53-19-308, MCA, is amended to read:

11 "**53-19-308. ~~Dual party relay~~ Telecommunications relay service system -- requirements.** The  
12 committee shall contract with a qualified provider to design and implement a ~~dual party relay~~  
13 telecommunications relay service system that fulfills the purpose described in 53-19-306. The committee  
14 shall require, under the terms of the contract, that:

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

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

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

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20 **Section 9.** Section 53-19-310, MCA, is amended to read:

21 "**53-19-310. ~~Fund for telecommunications services for the handicapped disabled~~ Fund for telecommunications services for the handicapped disabled.** (1) There is an  
22 account for telecommunications services for the ~~handicapped disabled~~ handicapped disabled in the state special revenue fund in  
23 the state treasury. The account consists of:

24 (a) all monetary contributions, gifts, and grants received by the committee as provided in  
25 53-19-309; and

26 (b) all charges billed and collected pursuant to 53-19-311.

27 (2) The money in the account is allocated to the committee for purposes of implementing this part.

28 (3) All expenditures of the committee in administering this part must be paid from money deposited  
29 in the account."



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0207, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

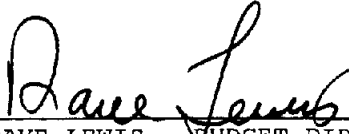
An act revising provisions of the telecommunications services for the disabled; providing for an additional member on the Committee on Montana Telecommunications Access Services for the Disabled, who must be a licensed audiologist.

ASSUMPTIONS:

1. There are currently eleven members on the Committee on Montana Telecommunications Access Services for the Disabled. This bill would increase that committee to twelve members.
2. The committee meets six times each year, with four of those being regular meetings and two being working committee meetings.
3. Members are paid honorariums of \$50 per day (\$50 x 6 meetings = \$300).
4. Members from outside the Helena area average \$100 in per diem per meeting (\$100 x 6 meetings = \$600).
5. Funding is provided through the earmarked TDD account.

FISCAL IMPACT:

	<u>FY98</u> <u>Difference</u>	<u>FY99</u> <u>Difference</u>
<u>Expenditures:</u>		
Operating Expenses	900	900
<u>Funding:</u>		
State Special Revenue (02)	900	900
<u>Net Impact on Fund Balance:</u> (Revenues minus expenditures)		
State Special Revenue (02)	(900)	(900)

 1-15-97  
DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

 1-15-97  
ED GRADY, PRIMARY SPONSOR DATE

Fiscal Note for HB0207, as introduced

**HB207**

APPROVED BY COM ON  
BUSINESS & LABOR

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2 INTRODUCED BY GRADY

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16 (2) The committee consists of ~~44~~ 12 members appointed by the governor as follows:

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**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.**

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13           **"53-19-307. Provision of services.** In administering the program established in 53-19-306, the  
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17 maintained as a condition of eligibility for continued participation in the program;

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19 would benefit from the use of specialized telecommunications equipment;

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22 lease, cost sharing, or other methods that are determined appropriate by the committee;

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

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

27           (7) require, as a condition of each equipment purchase or lease, that the original manufacturer  
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29           (8) maintain records of each item of equipment, including the location, serial number, and telephone  
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- 1 (9) at the discretion of the committee, require an appropriate security deposit for equipment at the  
 2 time of delivery, ~~which deposit that~~ must be refunded without interest when the equipment is returned;
- 3 (10) make reasonable efforts to recover equipment from those who become ineligible for continued  
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- 5 (11) provide a ~~dual party relay~~ telecommunications relay service system that, ~~if feasible~~, would be  
 6 available statewide for operation 7 days a week, 24 hours a day, including holidays; and
- 7 (12) ~~implement the service described in subsection (11) within 2 years following July 1, 1989; and~~  
 8 ~~(13)~~ adopt rules necessary to administer the program."

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10 **Section 8.** Section 53-19-308, MCA, is amended to read:

11 "**53-19-308. ~~Dual party relay~~ Telecommunications relay service system -- requirements.** The  
 12 committee shall contract with a qualified provider to design and implement a ~~dual party relay~~  
 13 telecommunications relay service system that fulfills the purpose described in 53-19-306. The committee  
 14 shall require, under the terms of the contract, that:

- 15 (1) the system relay all messages promptly and accurately;
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- 17 (3) the provider preserve the confidentiality of all telephone communications, except in instances  
 18 in which ~~such~~ the confidentiality would further a violation of the law."

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20 **Section 9.** Section 53-19-310, MCA, is amended to read:

21 "**53-19-310. ~~Fund for telecommunications services for the handicapped disabled~~.** (1) There is an  
 22 account for telecommunications services for the ~~handicapped disabled~~ disabled in the state special revenue fund in  
 23 the state treasury. The account consists of:

24 (a) all monetary contributions, gifts, and grants received by the committee as provided in  
 25 53-19-309; and

26 (b) all charges billed and collected pursuant to 53-19-311.

27 (2) The money in the account is allocated to the committee for purposes of implementing this part.

28 (3) All expenditures of the committee in administering this part must be paid from money deposited  
 29 in the account."

30



## 1 HOUSE BILL NO. 207

2 INTRODUCED BY GRADY

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROVISIONS OF  
 5 TELECOMMUNICATIONS SERVICES FOR THE DISABLED; PROVIDING FOR AN ADDITIONAL MEMBER ON  
 6 THE COMMITTEE ON MONTANA TELECOMMUNICATIONS ACCESS SERVICES FOR THE DISABLED;  
 7 AMENDING SECTIONS 2-15-2212, 53-19-301, 53-19-302, 53-19-303, 53-19-304, 53-19-306, 53-19-307,  
 8 53-19-308, AND 53-19-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

11  
 12 **Section 1.** Section 2-15-2212, MCA, is amended to read:

13 **"2-15-2212. Committee on telecommunications access services for the handicapped disabled --**  
 14 **composition -- allocation.** (1) There is a committee on Montana telecommunications access services for the  
 15 **handicapped disabled.**

16 (2) The committee consists of ~~11~~ 12 members appointed by the governor as follows:

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

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

20 (c) one member from the department of public health and human services;

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

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

23 (f) one member from an interLATA interexchange carrier; ~~and~~

24 (g) one member from the public service commission; and

25 (h) one member who is a licensed audiologist.

26 (3) The committee is allocated to the department of public health and human services for  
 27 administrative purposes only as provided in 2-15-121."

28  
 29 **Section 2.** Section 53-19-301, MCA, is amended to read:

30 **"53-19-301. Legislative findings and declaration.** (1) The legislature finds and declares that many

1 Montana citizens are physically ~~handicapped~~ disabled and are unable to use traditional telecommunications  
 2 equipment and services without assistance. These citizens constitute a substantial and valuable resource  
 3 within the United States and the state of Montana, and this segment of our population needs access to  
 4 telecommunications services in order to function as contributing and productive members of our society.

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

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

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

19  
 20 **Section 3.** Section 53-19-302, MCA, is amended to read:

21 **"53-19-302. Definitions.** As used in this part, unless the context requires otherwise, the following  
 22 definitions apply:

23 (1) "Committee" means the committee on telecommunications access services for the ~~handicapped~~  
 24 disabled established in 2-15-2212.

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

28 ~~(3)(2)~~ **"Handicapped Disabled"** means the condition of a person who is ~~blind,~~ deaf AND BLIND,  
 29 DEAF, hard-of-hearing, or speech-impaired.

30 ~~(4)(3)~~ "Local exchange company" means a telecommunications company that provides telephone

1 access lines or wireless service to members of the general public who are its customers.

2 ~~(5)(4)~~ "Program" means the program established in 53-19-306.

3 ~~(6)(5)~~ "Specialized telecommunications equipment" means any telecommunications device that  
4 enables or assists a person who is ~~handicapped~~ disabled to communicate with others by means of the  
5 conventional telephone network. The term includes but is not limited to ~~telecommunications devices for the~~  
6 ~~deaf (TDD)~~ text telephones (TTY), amplifiers, signaling devices, puff-blow devices, electronic artificial larynx  
7 devices, and telebraille.

8 (6) "Telecommunications relay service" means a service that permits full and simultaneous  
9 communication between those using specialized telecommunications equipment and those using  
10 conventional telephone equipment.

11 (7) "Telephone access line" means the telephone exchange access line or channel or wireless  
12 service that provides ~~access from the premises of a~~ the customer of a local exchange company with access  
13 to the telecommunications network to effect the transfer of information."  
14

15 **Section 4.** Section 53-19-303, MCA, is amended to read:

16 **"53-19-303. Term of office -- vacancies.** (1) Each member of the committee shall serve for a term  
17 of 3 years, ~~except that the governor shall appoint four of the initial members to serve terms of 1 year and~~  
18 ~~four of the initial members to serve terms of 2 years.~~

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