

1 SENATE BILL NO. 360

2 INTRODUCED BY M. WATERMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING
 5 TELECOMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES; INCLUDING INDIVIDUALS WITH
 6 MOBILITY IMPAIRMENT IN THE PROGRAM; INCLUDING INFANT SCREENING EQUIPMENT IN THE
 7 PROGRAM; PROVIDING GUIDELINES FOR A MEANS TEST FOR INDIVIDUAL PARTICIPATION IN THE
 8 PROGRAM; PROVIDING FOR THE ADOPTION OF A SLIDING FEE SCALE FOR PROVIDING EQUIPMENT TO
 9 CERTAIN INDIVIDUALS; AMENDING SECTIONS 53-19-302, 53-19-306, ~~AND~~ 53-19-307, AND
 10 53-19-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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14 **Section 1.** Section 53-19-302, MCA, is amended to read:

15 **"53-19-302. Definitions.** As used in this part, unless the context requires otherwise, the following
 16 definitions apply:

17 (1) "Committee" means the committee on telecommunications access services for persons with
 18 disabilities established in 2-15-2212.

19 (2) "Local exchange company" means a telecommunications company that provides telephone
 20 access lines or wireless service to members of the general public who are its customers.

21 (3) "Mobility-impaired" means the condition of a person with reduced function of the arms and
 22 hands making activities related to moving, turning, or pressing objects difficult or impossible. The term
 23 includes difficulty in using a wide range of telecommunications equipment.

24 ~~(3)~~(4) "Person with a disability" means the condition of a person who is deaf and blind, deaf,
 25 hard-of-hearing, ~~or~~ speech-impaired, or mobility-impaired.

26 ~~(4)~~(5) "Program" means the program established in 53-19-306.

27 ~~(5)~~(6) "Specialized telecommunications equipment" means any telecommunications device that
 28 enables or assists a person with a disability to communicate with others by means of the conventional
 29 telephone network. The term includes but is not limited to text telephones (TTY), amplifiers, signaling
 30 devices, puff-blow devices, electronic artificial larynx devices, ~~and~~ telebraille, equipment for the

1 mobility-impaired, and hearing screening equipment.

2 ~~(6)~~(7) "Telecommunications relay service" means a service that permits full and simultaneous
3 communication between those using specialized telecommunications equipment and those using
4 conventional telephone equipment.

5 ~~(7)~~(8) "Telephone access line" means the telephone exchange access line or channel or wireless
6 service that provides the customer of a local exchange company with access to the telecommunications
7 network to effect the transfer of information."

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9 **Section 2.** Section 53-19-306, MCA, is amended to read:

10 **"53-19-306. Program established -- purpose.** (1) The committee shall establish and administer a
11 program to provide specialized telecommunications equipment and services to persons with disabilities and
12 to assist appropriate facilities in obtaining hearing screening equipment that determines if infants have a
13 hearing impairment.

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

15 (a) furnish specialized telecommunications equipment to meet the needs of persons with
16 disabilities; ~~and~~

17 (b) provide a telecommunications relay service system to connect persons with disabilities with
18 all phases of public telecommunications service, including telecommunications service to emergency
19 services and public safety agencies as defined in 10-4-101; and

20 (c) determine if infants are hearing-impaired as early as possible in order to reduce long-term costs
21 in providing assistance."

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23 **Section 3.** Section 53-19-307, MCA, is amended to read:

24 **"53-19-307. Provision of services.** (1) In administering the program established in 53-19-306 for
25 individuals, the committee shall:

26 ~~(1)~~(A) develop an appropriate means test to determine eligibility for participation in the program
27 based on family income of less than 250% of the federal poverty level but not more than 400% of the
28 federal poverty level;

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

1 ~~(3)~~(C) require that participants provide satisfactory evidence that they have disabilities and would
2 benefit from the use of specialized telecommunications equipment;

3 ~~(4)~~(D) provide specialized telecommunications equipment to participants through loan, lease, cost
4 sharing, or other methods that are determined appropriate by the committee;

5 ~~(5)~~(E) determine the type of specialized telecommunications equipment that it considers necessary
6 and economically feasible for use by Montana's persons with disabilities;

7 ~~(6)~~(F) purchase or lease all specialized telecommunications equipment through bid by wholesale
8 manufacturers on a competitive basis;

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

11 ~~(8)~~(H) maintain records of each item of equipment, including the location, serial number, and
12 telephone number of each device;

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

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

17 ~~(11)~~(K) provide a telecommunications relay service system that would be available statewide for
18 operation 7 days a week, 24 hours a day, including holidays; and

19 ~~(12)~~(L) adopt rules necessary to administer the program.

20 (2) IN ADOPTING RULES TO IMPLEMENT SUBSECTIONS (1)(A) AND (1)(D), THE COMMITTEE MAY, BASED UPON
21 AVAILABLE FUNDS, PROVIDE THE SPECIALIZED TELECOMMUNICATIONS EQUIPMENT, WITHOUT CHARGE, TO INDIVIDUALS
22 WHOSE FAMILY INCOME IS LESS THAN 250% OF THE FEDERAL POVERTY LEVEL. FOR INDIVIDUALS WHOSE FAMILY INCOME
23 IS MORE THAN 250% OF THE FEDERAL POVERTY LEVEL BUT LESS THAN 400% OF THE FEDERAL POVERTY LEVEL, THE
24 COMMITTEE SHALL DEVELOP A SLIDING FEE SCALE. THE SLIDING FEE SCALE MUST TAKE INTO ACCOUNT THE AMOUNT OF
25 FUNDS AVAILABLE AFTER PROVIDING THE EQUIPMENT TO INDIVIDUALS WHOSE FAMILY INCOME IS LESS THAN 250% OF
26 THE FEDERAL POVERTY LEVEL. THE FEES MUST INCREASE PROGRESSIVELY BASED UPON THE INCREASED PERCENTAGE OF
27 FAMILY INCOME.

28 (3) IF A FEE IS REQUIRED UNDER THE PROGRAM, THE RULES MUST PROVIDE THAT THE FEE MUST BE RECEIVED BY
29 THE PROGRAM AND DEPOSITED IN THE ACCOUNT PROVIDED FOR IN 53-19-310, PRIOR TO PROVIDING THE EQUIPMENT TO
30 THE INDIVIDUAL."

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SECTION 4. SECTION 53-19-310, MCA, IS AMENDED TO READ:

"53-19-310. Fund for telecommunications services for persons with disabilities. (1) There is an account for telecommunications services for persons with disabilities in the state special revenue fund in the state treasury. The account consists of:

- (a) all monetary contributions, gifts, and grants received by the committee as provided in 53-19-309; ~~and~~
- (b) all charges billed and collected pursuant to 53-19-311; and
- (c) all fees received pursuant to 53-19-307.

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

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

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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