

HOUSE BILL NO. 266

INTRODUCED BY JACOBSON, GALLUS, GALVIN-HALCRO, GLASER, GOLIE, LASLOVICH, PARKER,
B. RYAN, STORY, WILSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA TELECOMMUNICATIONS ACCESS PROGRAM; REMOVING THE REQUIREMENT FOR ASSISTING FACILITIES IN OBTAINING INFANT HEARING SCREENING EQUIPMENT; ~~REMOVING THE ALLOCATION OF FUNDS TO THE MONTANA SCHOOL FOR THE DEAF AND BLIND~~; REVISING THE MEANS TEST FOR ELIGIBILITY; DELETING THE REQUIREMENT THAT A FEE BE PAID PRIOR TO DELIVERY OF SPECIAL EQUIPMENT; REQUIRING THE SPECIAL ASSESSMENT ON ALL TELEPHONE ACCESS LINES; AMENDING SECTIONS 53-19-302, 53-19-306, 53-19-307, 53-19-310, AND 53-19-311, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

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

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

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

equipment.

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

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

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

"53-19-306. Program established -- purpose. (1) The committee shall establish and administer a program to provide specialized telecommunications equipment and services to persons with disabilities ~~and to assist appropriate facilities in obtaining hearing screening equipment that determines if infants have a hearing impairment. The legislature may allocate funds to the Montana school for the deaf and blind to be used for the purposes established in subsection (2).~~

(2) The purpose of the program is to:

- (a) furnish specialized telecommunications equipment to meet the needs of persons with disabilities; and
- (b) provide a telecommunications relay service system to connect persons with disabilities with all phases of public telecommunications service, including telecommunications service to emergency services and public safety agencies as defined in 10-4-101; ~~and~~
- ~~— (c) determine if infants are hearing impaired as early as possible in order to reduce long-term costs in providing assistance.~~

(3) THE LEGISLATURE MAY ALLOCATE FUNDS FROM THIS PROGRAM TO THE MONTANA SCHOOL FOR THE DEAF AND BLIND TO BE USED TO PROVIDE SERVICES TO HEARING-IMPAIRED STUDENTS FOR THE BIENNIUM ENDING JUNE 30, 2005."

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

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

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

(b) 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;

(c) require that participants provide satisfactory evidence that they have disabilities and would benefit from the use of specialized telecommunications equipment;

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

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

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

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

(h) maintain records for a minimum of 5 years of each item of equipment, including the location, serial number, and telephone number of each device;

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

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

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

(l) adopt rules necessary to administer the program.

(2) In adopting rules to implement subsections (1)(a) and (1)(d), the committee may, based upon available funds, provide the specialized telecommunications equipment, without charge, to individuals whose family income is less than 250% of the federal poverty level. ~~For individuals whose family income is more than 250% of the federal poverty level but less than 400% 250% of the federal poverty level, the committee shall develop a sliding fee scale. The sliding fee scale must take into account the amount of funds available after providing the equipment to individuals whose family income is less than 250% of the federal poverty level. The fees must increase progressively based upon the increased percentage of family income.~~

~~————(3) If a fee is required under the program, the rules must provide that the fee must be received by the program and deposited in the account provided for in 53-19-310 prior to providing the equipment to the individual."~~

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) ~~Unless allocated to the Montana school for the deaf and blind, the~~ All UNLESS ALLOCATED TO THE MONTANA SCHOOL FOR THE DEAF AND BLIND, 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."

Section 5. Section 53-19-311, MCA, is amended to read:

"53-19-311. Special assessment. (1) A charge of 10 cents a month ~~may~~ must be assessed on each telephone access line provided and billed by each local exchange company and is imposed for the purposes of this part.

(2) Each customer of a local exchange company is liable for payment to the local exchange company of any charge properly imposed pursuant to this part. 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.

(3) Each local exchange company shall bill each customer for the charge provided for in subsection (1). Except as provided in subsection (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 53-19-310 to the credit of the committee.

(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 (3)."

NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2003.

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