
By: **Chairman, Health and Government Operations Committee (By**

Request - Departmental - Budget and Management)

Introduced and read first time: February 17, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Telecommunications Access - Transfer to Department of**
 3 **Disabilities**

4 FOR the purpose of transferring the Telecommunications Access of Maryland
 5 program from the Department of Budget and Management to the Department of
 6 Disabilities; providing that the Department of Disabilities and its Secretary are
 7 the successors of the Department of Budget and Management and its Secretary
 8 for certain purposes; providing for the continuity of certain laws, regulations,
 9 contracts, and transactions; requiring the publisher of the Annotated Code of
 10 Maryland to make certain corrections necessitated by this Act; authorizing the
 11 transfer of certain employees, property, funds, and associated administrative
 12 responsibilities between certain units of State government; and generally
 13 relating to Telecommunications Access of Maryland.

14 BY transferring

15 Article - State Finance and Procurement
 16 Section 3-801 through 3-807, respectively, and the subtitle "Subtitle
 17 8. Telecommunications Access of Maryland"; 3-901 through 3-906,
 18 respectively, and the subtitle "Subtitle 9. Telecommunication Devices and
 19 Distribution of Accessible Information for Disabled Individuals"
 20 Annotated Code of Maryland
 21 (2001 Replacement Volume and 2004 Supplement)

22 to be

23 Article - State Government
 24 Section 9-11A-01 through 9-11A-07, respectively, and the subtitle "Subtitle
 25 11A. Telecommunications Access of Maryland"; and 9-11B-01 through
 26 9-11B-06, respectively, and the subtitle "Subtitle 11B. Telecommunication
 27 Devices and Distribution of Accessible Information for Disabled
 28 Individuals"
 29 Annotated Code of Maryland
 30 (2004 Replacement Volume)

31 BY repealing and reenacting, with amendments,

1 Article - State Government
2 Section 9-1118
3 Annotated Code of Maryland
4 (2004 Replacement Volume)

5 BY repealing and reenacting, with amendments,

6 Article - State Government
7 Section 9-11A-07, 9-11B-01(b), 9-11B-02(a), 9-11B-03, 9-11B-05, and
8 9-11B-06(a)
9 Annotated Code of Maryland
10 (2004 Replacement Volume)
11 (As enacted by Section 1 of this Act)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That Section(s) 3-801 through 3-807, respectively, and the subtitle
14 "Subtitle 8. Telecommunications Access of Maryland"; and 3-901 through 3-906,
15 respectively, and the subtitle "Subtitle 9. Telecommunication Devices and
16 Distribution of Accessible Information for Disabled Individuals" of Article - State
17 Finance and Procurement of the Annotated Code of Maryland be transferred to be
18 Section(s) 9-11A-01 through 9-11A-07, respectively, and the subtitle "Subtitle
19 11A. Telecommunications Access of Maryland"; and 9-11B-01 through 9-11B-06,
20 respectively, and the subtitle "Subtitle 11B. Telecommunication Devices and
21 Distribution of Accessible Information for Disabled Individuals" of Article - State
22 Government of the Annotated Code of Maryland.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article - State Government**

26 9-1118.

27 The Department shall oversee and administer the following programs:

28 (1) constituent services and ombudsmen programs; [and]

29 (2) the Assistive Technology Guaranteed Loan Program under Article 41,
30 Title 14, Subtitle 9 of the Code; AND

31 (3) TELECOMMUNICATIONS ACCESS UNDER SUBTITLES 11A AND 11B OF
32 THIS ARTICLE.

33 Subtitle 11A. Telecommunications Access of Maryland.

34 9-11A-07.

35 (a) The programs under [§ 3-803] § 9-11A-03 of this subtitle and [§ 3-902(a)]
36 § 9-11B-02 of this title shall be funded as provided in the State budget.

1 (b) There is a Universal Service Trust Fund created for the purpose of paying
2 the costs of maintaining and operating the program under [§ 3-803] § 9-11A-03 of
3 this subtitle subject to the limitations and controls provided in this subtitle, and the
4 program under [§ 3-902(a)] § 9-11B-02 of this title subject to the limitations and
5 controls provided in Subtitle [9] 11B of this title. Moneys in the Universal Service
6 Trust Fund shall be held in the State Treasury.

7 (c) (1) The costs of the programs under [§ 3-803] § 9-11A-03 of this subtitle
8 and [§ 3-902(a)] § 9-11B-02 of this title shall be funded by revenues generated by a
9 surcharge to be paid by the subscribers to switched local exchange access service and
10 by other funds as the budget may provide.

11 (2) The surcharge may not exceed 45 cents per month and shall be
12 applied to all current bills rendered for switched local exchange access service in the
13 State. The surcharge is payable at the time the bills for telephone service are due.

14 (d) (1) The Secretary of the Department OF BUDGET AND MANAGEMENT
15 shall annually certify to the Public Service Commission the costs of the programs
16 under [§ 3-803] § 9-11A-03 of this subtitle and [§ 3-902(a)] § 9-11B-02 of this title to
17 be paid by the Universal Service Trust Fund.

18 (2) The Public Service Commission shall determine the surcharge
19 necessary to fund the programs under [§ 3-803] § 9-11A-03 of this subtitle and [§
20 3-902(a)] § 9-11B-02 of this title and shall, on 60 days' notice, direct the affected
21 telephone companies to add the surcharge to all current bills rendered for switched
22 local exchange access service in the State.

23 (e) The affected telephone companies shall act as collection agents for the
24 Universal Service Trust Fund and shall remit all proceeds monthly to the Comptroller
25 for deposit to the Universal Service Trust Fund. The telephone companies shall be
26 entitled to credit against these proceeds in an amount equal to 1 1/2 percent of these
27 proceeds to cover the expenses of billing, collecting, and remitting the surcharge and
28 any additional charges.

29 (f) The Secretary shall administer the Universal Service Trust Fund. The
30 income derived from investment of money in the Fund shall accrue to the Fund.

31 (g) The Legislative Auditor shall conduct postaudits of a fiscal and compliance
32 nature of the Universal Service Trust Fund and of the expenditures made for
33 purposes of [§ 3-803] § 9-11A-03 of this subtitle and [§ 3-902(a)] § 9-11B-02 of this
34 title. The cost of the fiscal portion of the postaudit examination shall be paid from the
35 Universal Service Trust Fund as an administrative cost.

36 Subtitle 11B. Telecommunication Devices and Distribution of Accessible
37 Information for Disabled Individuals.

38 9-11B-01.

39 (b) "Board" means the Governor's Advisory Board for Telecommunications
40 Relay as defined under [§ 3-801] § 9-11A-01 of this title.

1 9-11B-02.

2 (a) The Department in consultation with the Board [and the Department of
3 Disabilities] shall establish and administer a program to assist eligible program
4 participants to purchase specialized customer premises equipment and for
5 reimbursement of costs under [§ 3-906] § 9-11B-06 of this subtitle in accordance with
6 [§ 3-807] § 9-11A-07 of this title and the State budget.

7 9-11B-03.

8 (a) The [Department,] DEPARTMENT in consultation with the Board [and the
9 Department of Disabilities] shall:

10 (1) provide a system for eligible program participants to purchase
11 equipment, but no single eligible participant shall receive more than \$6,000;

12 (2) establish an information and referral service, including a toll free
13 number for both voice and TDD, to provide information about the availability of the
14 equipment;

15 (3) contract with private vendors or nonprofit organizations to provide
16 the information and referral service and other auxiliary services;

17 (4) as necessary, establish interagency agreements with other State
18 agencies which provide technical assistance for disabled individuals to prevent
19 duplicative programs; and

20 (5) appoint appropriate staff to assist the Board in carrying out its
21 activities under this subtitle.

22 (b) The [Board and the] Department, ASSISTED BY THE BOARD [of
23 Disabilities] shall:

24 (1) [assist the Department in the development of] DEVELOP regulations;

25 (2) develop and implement educational outreach programs; AND

26 (3) review and monitor the program[; and

27 (4) advise the Department on unusual hardship cases].

28 (C) THE BOARD SHALL ADVISE THE DEPARTMENT ON UNUSUAL HARDSHIP
29 CASES.

30 9-11B-05.

31 The Department in consultation with the Board [and the Department of
32 Disabilities] shall adopt regulations to carry out the purposes of this subtitle.

1 9-11B-06.

2 (a) The Department in consultation with the Board [and the Department of
3 Disabilities] shall enter into an agreement with the State Department of Education,
4 Division of Library Development and Services, providing for an annual payment to be
5 made to the Division in an amount equal to the cost incurred for the distribution of
6 accessible information.

7 SECTION 3. AND BE IT FURTHER ENACTED, That, with respect to
8 responsibilities transferred by this Act, the Department of Disabilities is the
9 successor of the Department of Budget and Management, and the Secretary of
10 Disabilities is the successor of the Secretary of Budget and Management. In every
11 law, executive order, regulation, policy, or document created by any official, employee,
12 or unit of this State, the names and titles of that department and official mean the
13 name and term of the successor agency or official for the Telecommunications Access
14 of Maryland and Telecommunication Devices and Distribution of Accessible
15 Information for Disabled Individuals, as provided in this Act.

16 SECTION 4. AND BE IT FURTHER ENACTED, That the Universal Service
17 Trust Fund is transferred from the Department of Budget and Management to the
18 Department of Disabilities effective July 1, 2005.

19 SECTION 5. AND BE IT FURTHER ENACTED, That every person who, as of
20 July 1, 2005, is employed by the Department of Budget and Management in the
21 Telecommunications Access of Maryland program in a position authorized by the
22 State budget is hereby transferred to the Department of Disabilities, effective July 1,
23 2005, without any change or loss of rights or status, except as otherwise specifically
24 provided in this Act.

25 SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise
26 provided in this Act, nothing in this Act affects the term of office of an appointed
27 member of any board, commission, committee, or other agency or unit. A person who
28 is a member of such a unit on the effective date of this Act shall remain a member for
29 the balance of the term to which the member was appointed, unless the member dies,
30 resigns, or is removed pursuant to the provisions of law.

31 SECTION 7. AND BE IT FURTHER ENACTED, That, except as expressly
32 provided to the contrary in this Act, any transaction affected by or resulting from any
33 statute here amended, repealed, or transferred, and validly entered into before the
34 effective date of this Act and every right, duty, or interest following from it remains
35 valid after the effective date of this Act and may be terminated, completed,
36 consummated, or enforced pursuant to law.

37 SECTION 8. AND BE IT FURTHER ENACTED, That, except as otherwise
38 provided in this Act, all regulations, proposed regulations, standards and guidelines,
39 proposed standards and guidelines, orders and other directives, forms, plans,
40 memberships, special funds, appropriations, grants, applications for grants,
41 contracts, properties, administrative and judicial proceedings, rights to sue and be
42 sued, and all other duties and responsibilities associated with those functions

1 transferred by this Act shall continue in effect under the Department of Disabilities or
2 the appropriate board, commission, or other unit within the Department of
3 Disabilities, until completed, withdrawn, cancelled, modified, or otherwise changed
4 pursuant to law.

5 SECTION 9. AND BE IT FURTHER ENACTED, That pursuant to the plan of
6 reorganization proposed by this Act, in coordination with the Director of Legislative
7 Services, the publishers of the Annotated Code of Maryland are hereby directed to
8 correct any cross-references, agency names, and titles that are rendered incorrect by
9 this Act, in accordance with this section.

10 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2005.