

HOUSE BILL 744

P2, C5

6lr1307

By: **Delegates Kramer, Angel, Barkley, B. Barnes, Barve, Branch, Brooks, Chang, Cullison, Fraser-Hidalgo, Frush, Healey, Krimm, Luedtke, McComas, Morales, Pena-Melnyk, Platt, Reznik, Valderrama, ~~and Waldstreicher~~ Waldstreicher, Carey, Frick, Glenn, Jameson, Lisanti, Vaughn, and C. Wilson**

Introduced and read first time: February 5, 2016

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Senior Call-Check Service Program – Establishment**

3 FOR the purpose of altering the purpose of and programs to be funded by the Universal
4 Service Trust Fund; ~~altering the amount of a certain monthly surcharge that the~~
5 ~~Public Service Commission may authorize under certain circumstances~~; requiring
6 the Secretary of Information Technology to certify certain information; requiring the
7 Commission to determine the amount of a certain monthly surcharge; requiring the
8 Legislative Auditor to conduct certain postaudits for a certain additional purpose;
9 establishing the Senior Call-Check Service Program; providing a mechanism for the
10 funding of the Program; specifying that an individual who meets a certain
11 requirement is eligible for the Program; requiring the Department of Information
12 Technology, in consultation with the Department of Aging, to establish and maintain
13 the Program and to adopt certain regulations; specifying a sequence of telephone
14 calls that satisfy Program requirements; authorizing the Department to contract
15 with a certain private vendor or nonprofit organization to provide a certain service;
16 providing for immunity from civil liability and criminal penalty for entities and
17 individuals participating in the Program; defining certain terms; and generally
18 relating to telephone service and the Senior Call-Check Service Program.

19 BY repealing and reenacting, without amendments,

20 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 3A–101 and 3A–501
2 Annotated Code of Maryland
3 (2015 Replacement Volume)

4 BY repealing and reenacting, with amendments,
5 Article – State Finance and Procurement
6 Section 3A–506
7 Annotated Code of Maryland
8 (2015 Replacement Volume)

9 BY adding to
10 Article – State Finance and Procurement
11 Section 3A–701 and 3A–702 to be under the new subtitle “Subtitle 7. Senior
12 Call–Check Service Program”
13 Annotated Code of Maryland
14 (2015 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – State Finance and Procurement**

18 3A–101.

19 (a) In this title the following words have the meanings indicated.

20 (b) “Department” means the Department of Information Technology.

21 (c) “Secretary” means the Secretary of Information Technology.

22 (d) “Telecommunication” means the transmission of information, images,
23 pictures, voice, or data by radio, video, or other electronic or impulse means.

24 (e) “Unit of State government” means an agency or unit of the Executive Branch
25 of State government.

26 3A–501.

27 (a) In this subtitle the following words have the meanings indicated.

28 (b) “Board” means the Governor’s Advisory Board for Telecommunications Relay.

29 (c) “Communications company” means a public service company, as defined in §
30 1–101 of the Public Utilities Article, or any other company, that provides a communications
31 service.

32 (d) “Communications service” means:

1 (1) landline telephone service;

2 (2) wireless or cellular telephone service; or

3 (3) Voice over Internet Protocol (VoIP) service, as defined in § 8–601 of the
4 Public Utilities Article.

5 (e) “Dual party telephone relay program” means a service that provides full and
6 simultaneous communication between a person or persons with a disability that prevents
7 them from using a standard telephone and a person or persons without that disability using
8 conventional telephone equipment or other technology or equipment, whereby the disabled
9 person or persons have their message relayed through an intermediary party using
10 specialized telecommunications equipment.

11 (f) “Program” means the dual party telephone relay program.

12 (g) “Program participant” means a resident of the State who uses the dual party
13 telephone relay program.

14 (h) (1) “Specialized customer telephone equipment” means any
15 communications device that enables or assists a person with a disability to communicate
16 with others by means of the public switched telephone network or Internet
17 protocol-enabled voice communications service.

18 (2) “Specialized customer telephone equipment” includes:

19 (i) TDD/TT/TTY;

20 (ii) amplifiers;

21 (iii) captioned telephones;

22 (iv) VRS equipment;

23 (v) cell phones;

24 (vi) pagers;

25 (vii) puff blow devices;

26 (viii) Braille–TTY devices; and

27 (ix) equipment for the mobility disabled.

(i) “Telecommunications device for the deaf” or “TDD/TT/TTY” means all types of mechanical devices that enable disabled individuals to communicate through messages sent and received through a telephone or wireless network.

3A-506.

(a) The programs under § 3A-504(a) of this subtitle and ~~§ 3A-602(a) AND § §§~~ **3A-602(A) AND 3A-702** of this title shall be funded as provided in the State budget.

(b) (1) There is a Universal Service Trust Fund created for the purpose of paying the costs of maintaining and operating the [program] **PROGRAMS** under:

(I) § 3A-504(a) of this subtitle, subject to the limitations and controls provided in this [subtitle, and the program under] **SUBTITLE**;

(II) § 3A-602(a) of this title, subject to the limitations and controls provided in Subtitle 6 of this title; **AND**

(III) **§ 3A-702 OF THIS TITLE, SUBJECT TO THE LIMITATIONS AND CONTROLS PROVIDED IN SUBTITLE 7 OF THIS TITLE.**

(2) Money in the Universal Service Trust Fund shall be held in the State Treasury.

(3) Money in the Universal Service Trust Fund may only be used:

(i) to fund the costs of the programs specified in paragraph (1) of this subsection; and

(ii) to pay for the administration of the Universal Service Trust Fund.

(c) (1) The costs of the programs under § 3A-504(a) of this subtitle and ~~§ 3A-602(a) AND § §§~~ **3A-602(A) AND 3A-702** of this title shall be funded by revenues generated by:

(i) a surcharge to be paid by the subscribers to a communications service; and

(ii) other funds as provided in the State budget.

(2) (i) ~~[The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE~~ surcharge may not exceed 18 cents per month for each account and shall be applied to all current bills rendered for a communications service in the State.

1 (ii) ~~THE PUBLIC SERVICE COMMISSION MAY AUTHORIZE A~~
2 ~~SURCHARGE OF UP TO 21 CENTS PER MONTH IF THE ADDITIONAL 3 CENTS IS~~
3 ~~NECESSARY TO FUND THE COST OF PROGRAMS UNDER SUBSECTION (B) OF THIS~~
4 ~~SECTION.~~

5 ~~(iii)~~ The surcharge is payable at the time the bills for a
6 communications service are due.

7 (3) The surcharge to be collected under this section only applies to a
8 communications service for which charges are billed by, or on behalf of, a communications
9 company to a subscriber of the communications service.

10 (d) (1) The Secretary shall annually certify to the Public Service Commission
11 the costs of the programs under § 3A-504(a) of this subtitle and ~~§ 3A-602(a) AND § §§~~
12 ~~3A-602(A) AND 3A-702~~ of this title to be paid by the Universal Service Trust Fund for
13 the following fiscal year.

14 (2) (i) The Public Service Commission shall determine the surcharge
15 for the following fiscal year necessary to fund the programs under § 3A-504(a) of this
16 subtitle and ~~§ 3A-602(a) AND § §§ 3A-602(A) AND 3A-702~~ of this title.

17 (ii) 1. In accordance with subsection (c)(2) of this section and
18 subsubparagraph 2 of this subparagraph, the Public Service Commission shall set the
19 surcharge for the following fiscal year at an amount that is no higher than necessary to
20 generate sufficient revenues to fund the costs of the programs for the following fiscal year,
21 as certified under paragraph (1) of this subsection.

22 2. In setting the surcharge under subsubparagraph 1 of this
23 subparagraph, the Public Service Commission shall take into account whether the
24 surcharge may be adjusted as a result of any uncommitted funds in the Universal Service
25 Trust Fund at the end of the fiscal year that may be used to fund the costs of the programs
26 for the following fiscal year.

27 (3) The Secretary shall, on 60 days' notice, direct the affected
28 communications companies to add the surcharge determined by the Public Service
29 Commission under paragraph (2) of this subsection to all current bills rendered for
30 communications service in the State.

31 (e) (1) The affected communications companies shall act as collection agents
32 for the Universal Service Trust Fund and shall remit all proceeds monthly to the
33 Comptroller for deposit to the Universal Service Trust Fund.

34 (2) The communications companies shall be entitled to credit against these
35 proceeds in an amount equal to 1 1/2 percent of these proceeds to cover the expenses of
36 billing, collecting, and remitting the surcharge and any additional charges.

1 (f) (1) The Secretary shall administer the Universal Service Trust Fund.

2 (2) The income derived from investment of money in the Universal Service
3 Trust Fund shall accrue to the Universal Service Trust Fund.

4 (3) Any funds remaining at the end of a fiscal year in the Universal Service
5 Trust Fund shall be carried forward within the Universal Service Trust Fund for the
6 maintenance and operation of the programs specified under subsection (b) of this section in
7 the following fiscal year.

8 (g) (1) The Legislative Auditor shall conduct postaudits of a fiscal and
9 compliance nature of the Universal Service Trust Fund and the expenditures made for
10 purposes of § 3A-504(a) of this subtitle and ~~§ 3A-602(a) AND §~~ §§ 3A-602(A) AND
11 3A-702 of this title.

12 (2) The cost of the fiscal portion of the postaudit examination shall be paid
13 from the Universal Service Trust Fund as an administrative cost.

14 **SUBTITLE 7. SENIOR CALL-CHECK SERVICE PROGRAM.**

15 **3A-701.**

16 (A) ~~(1)~~ IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 ~~(2)~~ (B) "ELIGIBLE PARTICIPANT" MEANS A RESIDENT OF THE STATE WHO
19 IS AT LEAST 65 YEARS OLD.

20 ~~(3)~~ (C) "PERSON OF RECORD" INCLUDES A LOCAL LAW ENFORCEMENT
21 UNIT OR OTHER LOCAL GOVERNMENT AGENCY.

22 ~~(4)~~ (D) "PROGRAM" MEANS THE SENIOR CALL-CHECK SERVICE
23 PROGRAM.

24 ~~(5)~~ ~~(1)~~ (E)(1) "SENIOR CALL-CHECK SERVICE" MEANS A TELEPHONE
25 CALL MADE OR RECEIVED EACH DAY AT A REGULARLY SCHEDULED TIME BY THE
26 DEPARTMENT OR THE DEPARTMENT'S DESIGNEE TO THE RESIDENCE OF AN
27 ELIGIBLE SUBSCRIBER TO VERIFY THAT THE SUBSCRIBER IS ABLE TO ANSWER THE
28 TELEPHONE OR PLACE A CALL FROM THE TELEPHONE.

29 ~~(1)~~ (2) "SENIOR CALL-CHECK SERVICE" INCLUDES:

30 ~~(1)~~ (I) AN AUTOMATED OR LIVE TELEPHONE CALL PLACED
31 BY AN ELIGIBLE PARTICIPANT OR RECEIVED BY AN ELIGIBLE PARTICIPANT AT A
32 REGULARLY SCHEDULED TIME EACH DAY;

1 ~~2.~~ **(II)** IF THE ELIGIBLE PARTICIPANT DOES NOT ANSWER OR
2 PLACE THE REGULARLY SCHEDULED CALL, AN AUTOMATED OR LIVE TELEPHONE
3 CALL SHALL BE MADE TO THE ELIGIBLE PARTICIPANT; AND

4 ~~3.~~ **(III)** IF THE ELIGIBLE PARTICIPANT DOES NOT ANSWER A
5 TELEPHONE CALL MADE UNDER ITEM ~~2~~ **(II)** OF THIS ~~SUBPARAGRAPH~~ PARAGRAPH,
6 AN ADDITIONAL AUTOMATED OR LIVE TELEPHONE CALL TO NOTIFY A PERSON OF
7 RECORD WHOSE NAME HAS BEEN PROVIDED TO THE DEPARTMENT.

8 **3A-702.**

9 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
10 AGING, SHALL:

11 (1) ESTABLISH AND ADMINISTER THE PROGRAM TO PROVIDE SENIOR
12 CALL-CHECK SERVICE TO ELIGIBLE PARTICIPANTS; AND

13 (2) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM.

14 (B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
15 AGING, MAY CONTRACT WITH A PRIVATE VENDOR OR NONPROFIT ORGANIZATION TO
16 PROVIDE THE SENIOR CALL-CHECK SERVICE REQUIRED UNDER SUBSECTION (A) OF
17 THIS SECTION.

18 (C) (1) ALL INDIVIDUALS AND ENTITIES INVOLVED IN ADMINISTERING
19 THE PROGRAM SHALL BE IMMUNE FROM LIABILITY OR CRIMINAL PENALTY FOR THE
20 PERFORMANCE OR NONPERFORMANCE OF THE REQUIREMENTS UNDER THE
21 PROGRAM.

22 (2) ENTITIES OR INDIVIDUALS THAT ARE IMMUNE FROM CIVIL
23 LIABILITY AND CRIMINAL PENALTY INCLUDE:

24 (I) THE DEPARTMENT OF AGING;

25 (II) THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE
26 UNDER SUBSECTION (B) OF THIS SECTION;

27 (III) THE PUBLIC SERVICE COMMISSION;

28 (IV) A TELEPHONE COMPANY;

29 (V) A LOCAL LAW ENFORCEMENT UNIT;

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1 (VI) A LOCAL GOVERNMENT AGENCY;

2 (VII) A PERSON OF RECORD; AND

3 (VIII) A VOLUNTEER-BASED ORGANIZATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.