

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**

Introduced and read first time: February 5, 2016

Assigned to: Economic Matters

A BILL ENTITLED

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
21 Section 3A-101 and 3A-501
22 Annotated Code of Maryland
23 (2015 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article – State Finance and Procurement
26 Section 3A-506
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2015 Replacement Volume)

2 BY adding to

3 Article – State Finance and Procurement

4 Section 3A–701 and 3A–702 to be under the new subtitle “Subtitle 7. Senior
5 Call–Check Service Program”

6 Annotated Code of Maryland

7 (2015 Replacement Volume)

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

10 **Article – State Finance and Procurement**

11 3A–101.

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

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

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

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

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

19 3A–501.

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

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

22 (c) “Communications company” means a public service company, as defined in §
23 1–101 of the Public Utilities Article, or any other company, that provides a communications
24 service.

25 (d) “Communications service” means:

26 (1) landline telephone service;

27 (2) wireless or cellular telephone service; or

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

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

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

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

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

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

15 (i) TDD/TT/TTY;

16 (ii) amplifiers;

17 (iii) captioned telephones;

18 (iv) VRS equipment;

19 (v) cell phones;

20 (vi) pagers;

21 (vii) puff blow devices;

22 (viii) Braille-TTY devices; and

23 (ix) equipment for the mobility disabled.

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

27 3A-506.

28 (a) The programs under § 3A-504(a) of this subtitle and § 3A-602(a) AND §
29 **3A-702** of this title shall be funded as provided in the State budget.

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

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

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

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

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

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

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

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

16 (c) (1) The costs of the programs under § 3A-504(a) of this subtitle and §
17 3A-602(a) AND § 3A-702 of this title shall be funded by revenues generated by:

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

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

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

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

28 (III) The surcharge is payable at the time the bills for a
29 communications service are due.

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

4 (d) (1) The Secretary shall annually certify to the Public Service Commission
5 the costs of the programs under § 3A-504(a) of this subtitle and § 3A-602(a) **AND §**
6 **3A-702** of this title to be paid by the Universal Service Trust Fund for the following fiscal
7 year.

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

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

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

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

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

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

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

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

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

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

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

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

7 **3A-701.**

8 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "ELIGIBLE PARTICIPANT" MEANS A RESIDENT OF THE STATE WHO
11 IS AT LEAST 65 YEARS OLD.

12 (3) "PERSON OF RECORD" INCLUDES A LOCAL LAW ENFORCEMENT
13 UNIT OR OTHER LOCAL GOVERNMENT AGENCY.

14 (4) "PROGRAM" MEANS THE SENIOR CALL-CHECK SERVICE
15 PROGRAM.

16 (5) (I) "SENIOR CALL-CHECK SERVICE" MEANS A TELEPHONE
17 CALL MADE OR RECEIVED EACH DAY AT A REGULARLY SCHEDULED TIME BY THE
18 DEPARTMENT OR THE DEPARTMENT'S DESIGNEE TO THE RESIDENCE OF AN
19 ELIGIBLE SUBSCRIBER TO VERIFY THAT THE SUBSCRIBER IS ABLE TO ANSWER THE
20 TELEPHONE OR PLACE A CALL FROM THE TELEPHONE.

21 (II) "SENIOR CALL-CHECK SERVICE" INCLUDES:

22 1. AN AUTOMATED OR LIVE TELEPHONE CALL PLACED
23 BY AN ELIGIBLE PARTICIPANT OR RECEIVED BY AN ELIGIBLE PARTICIPANT AT A
24 REGULARLY SCHEDULED TIME EACH DAY;

25 2. IF THE ELIGIBLE PARTICIPANT DOES NOT ANSWER OR
26 PLACE THE REGULARLY SCHEDULED CALL, AN AUTOMATED OR LIVE TELEPHONE
27 CALL SHALL BE MADE TO THE ELIGIBLE PARTICIPANT; AND

28 3. IF THE ELIGIBLE PARTICIPANT DOES NOT ANSWER A
29 TELEPHONE CALL MADE UNDER ITEM 2 OF THIS SUBPARAGRAPH, AN ADDITIONAL
30 AUTOMATED OR LIVE TELEPHONE CALL TO NOTIFY A PERSON OF RECORD WHOSE
31 NAME HAS BEEN PROVIDED TO THE DEPARTMENT.

1 **3A-702.**

2 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
3 AGING, SHALL:

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

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

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

11 (C) (1) ALL INDIVIDUALS AND ENTITIES INVOLVED IN ADMINISTERING
12 THE PROGRAM SHALL BE IMMUNE FROM LIABILITY OR CRIMINAL PENALTY FOR THE
13 PERFORMANCE OR NONPERFORMANCE OF THE REQUIREMENTS UNDER THE
14 PROGRAM.

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

17 (I) THE DEPARTMENT OF AGING;

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

20 (III) THE PUBLIC SERVICE COMMISSION;

21 (IV) A TELEPHONE COMPANY;

22 (V) A LOCAL LAW ENFORCEMENT UNIT;

23 (VI) A LOCAL GOVERNMENT AGENCY;

24 (VII) A PERSON OF RECORD; AND

25 (VIII) A VOLUNTEER-BASED ORGANIZATION.

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