

SENATE BILL 851

D5, O3

0lr3524
CF HB 1003

By: **Senator Kagan**

Introduced and read first time: February 3, 2020

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 8, 2020

CHAPTER _____

1 AN ACT concerning

2 **Human Services – Department of Disabilities – Accessibility Programs**

3 FOR the purpose of transferring the administration and management of the
4 Telecommunications Access of Maryland and Telecommunications Devices and
5 Distribution of Accessible Information for Disabled Individuals programs from the
6 Department of Information Technology to the Department of Disabilities; adding a
7 representative of the Governor’s Advisory Board for Telecommunications Relay as a
8 member of the Maryland Commission on Disabilities; adding representatives from
9 the Maryland Commission on Disabilities and the Governor’s Office of the Deaf and
10 Hard of Hearing to the Governor’s Advisory Board for Telecommunications Relay;
11 requiring the Department of Disabilities to provide staff, including a director, to the
12 Governor’s Advisory Board for Telecommunications Relay; establishing the
13 qualifications and duties of the director; requiring the Department of Disabilities to
14 provide a system for eligible program participants who cannot access
15 telecommunications relay services in a traditional manner; making conforming
16 changes; and generally relating to programs administered by the Department of
17 Disabilities.

18 BY transferring

19 Article – State Finance and Procurement

20 Section 3A–501 through 3A–506, respectively, and the subtitle “Subtitle 5.
21 Telecommunications Access of Maryland”; and 3A–601 through 3A–606,
22 respectively, and the subtitle “Subtitle 6. Telecommunications Devices and
23 Distribution of Accessible Information for Disabled Individuals”

24 Annotated Code of Maryland

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 (2015 Replacement Volume and 2019 Supplement)
2 to be
3 Article – Human Services
4 Section 7–801 through 7–806, respectively, and the subtitle “Subtitle 8.
5 Telecommunications Access of Maryland”; and 7–901 through 7–906,
6 respectively, and the subtitle “Subtitle 9. Telecommunications Devices and
7 Distribution of Accessible Information for Disabled Individuals”
8 Annotated Code of Maryland
9 (2019 Replacement Volume and 2019 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Human Services
12 Section 7–114(b) and 7–120
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Human Services
17 Section 7–801, 7–803, 7–804, 7–806, 7–901, 7–902, 7–903, 7–905, and 7–906
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2019 Supplement)
20 (As enacted by Section 1 of this Act)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That Section(s) 3A–501 through 3A–506, respectively, and the subtitle “Subtitle 5.
23 Telecommunications Access of Maryland”; and 3A–601 through 3A–606, respectively, and
24 the subtitle “Subtitle 6. Telecommunications Devices and Distribution of Accessible
25 Information for Disabled Individuals” of Article – State Finance and Procurement of the
26 Annotated Code of Maryland be transferred to be Section(s) 7–801 through 7–806,
27 respectively, and the subtitle “Subtitle 8. Telecommunications Access of Maryland”; and
28 7–901 through 7–906, respectively, and the subtitle “Subtitle 9. Telecommunications
29 Devices and Distribution of Accessible Information for Disabled Individuals” of
30 Article – Human Services of the Annotated Code of Maryland.

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

33 **Article – Human Services**

34 7–114.

35 (b) The Department shall oversee and administer the following programs and
36 units:

37 (1) constituent services and ombudsmen programs;

38 (2) the Assistive Technology Guaranteed Loan Program under Subtitle 6

1 of this title; [and]

2 (3) the Office of Personal Assistance Services, including the Attendant
3 Care Program under Subtitle 4 of this title;

4 (4) TELECOMMUNICATIONS ACCESS OF MARYLAND UNDER
5 SUBTITLE 8 OF THIS TITLE; AND

6 (5) TELECOMMUNICATIONS DEVICES AND DISTRIBUTION OF
7 ACCESSIBLE INFORMATION FOR DISABLED INDIVIDUALS UNDER SUBTITLE 9 OF
8 THIS TITLE.

9 7–120.

10 (a) The Commission consists of:

11 (1) the following members, appointed by the Governor:

12 (i) one individual with a physical disability;

13 (ii) one individual who has experienced mental illness;

14 (iii) two individuals with a developmental disability, including one
15 with an intellectual disability;

16 (iv) one individual who is blind;

17 (v) one individual who is deaf or hard of hearing;

18 (vi) one parent or foster parent of a child with a disability;

19 (vii) four members of the general public who have disabilities;

20 (viii) three representatives from statewide disability advocacy
21 organizations;

22 (ix) one representative from the home health care industry;

23 (x) one representative from a statewide organization of providers of
24 services and support for individuals with disabilities;

25 (xi) one representative from the Alliance of Local Commissions on
26 Disability; and

27 (xii) two representatives from the Board, one of whom shall be
28 selected by the Secretary and one of whom shall be the Secretary of Budget and

1 Management or the designee of the Secretary of Budget and Management;

2 (2) one representative from the Senate of Maryland, appointed by the
3 President of the Senate; [and]

4 (3) one representative from the Maryland House of Delegates, appointed
5 by the Speaker of the House; AND

6 **(4) ONE REPRESENTATIVE FROM THE GOVERNOR’S ADVISORY**
7 **BOARD FOR TELECOMMUNICATIONS RELAY, APPOINTED BY THE CHAIR OF THE**
8 **BOARD.**

9 (b) In making the appointments required under subsection (a)(1) of this section,
10 the Governor shall appoint members from among:

11 (1) the geographic regions of the State; and

12 (2) diverse backgrounds.

13 (c) A majority of the members shall be individuals with disabilities.

14 (d) (1) The term of a member is 3 years.

15 (2) The terms of the members are staggered as required by the terms
16 provided for the members of the Commission on October 1, 2007.

17 (3) At the end of a term, a member continues to serve until a successor is
18 appointed and qualifies.

19 (4) A member who is appointed after a term has begun serves only for the
20 rest of the term and until a successor is appointed and qualifies.

21 (5) A member may not serve more than two consecutive 3–year terms.

22 (e) A member who fails to attend at least 50% of the regularly scheduled meetings
23 of the Commission during any 12–month period shall be considered to have resigned.

24 7–801.

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

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

27 (c) “Communications company” means a public service company, as defined in §
28 1–101 of the Public Utilities Article, or any other company, that provides a communications
29 service.

1 (d) “Communications service” means:

2 (1) landline telephone service;

3 (2) wireless or cellular telephone service; or

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

6 **(E) “DEPARTMENT” MEANS THE DEPARTMENT OF DISABILITIES.**

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

13 **[(f)] (G)** “Program” means the dual party telephone relay program.

14 **[(g)] (H)** “Program participant” means a resident of the State who uses the dual
15 party telephone relay program.

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

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

21 (i) TDD/TT/TTY;

22 (ii) amplifiers;

23 (iii) captioned telephones;

24 (iv) VRS equipment;

25 (v) cell phones;

26 (vi) pagers;

27 (vii) puff blow devices;

28 (viii) Braille–TTY devices; and

1 (ix) equipment for the mobility disabled.

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

5 7–803.

6 (a) The Board shall be composed of **[12] 14** individuals appointed by the
7 Governor, who shall designate the chair, including:

8 (1) five representatives of the deaf or hard of hearing community;

9 (2) one representative of the mobility–impaired community who requires
10 the use of specialized customer telephone equipment;

11 (3) one representative of the speech–impaired community who requires the
12 use of specialized customer telephone equipment;

13 (4) one representative of the senior citizen community who requires the use
14 of specialized customer telephone equipment;

15 (5) one representative of the deaf–blind community; **[and]**

16 (6) three representatives of government, one of whom is a representative
17 of the Public Service Commission;

18 **(7) ONE REPRESENTATIVE FROM THE MARYLAND COMMISSION ON**
19 **DISABILITIES; AND**

20 **(8) ONE REPRESENTATIVE FROM THE GOVERNOR’S OFFICE OF THE**
21 **DEAF AND HARD OF HEARING.**

22 (b) (1) The term of a member is 3 years.

23 (2) The terms of members are staggered as required by the terms provided
24 for members of the Board on June 30, 2008.

25 (3) At the end of a term, a member continues to serve until a successor is
26 appointed and qualifies.

27 (4) A member who is appointed after a term has begun serves only for the
28 rest of the term and until a successor is appointed and qualifies.

29 (5) The Governor may remove a member for incompetence or misconduct.

1 (c) The members of the Board shall serve without compensation, but shall be
2 reimbursed for all reasonable expenses incurred in the performance of their duties.

3 (d) By January 1 of each year, the Board shall file an annual report on its
4 activities to the General Assembly in accordance with § 2–1257 of the State Government
5 Article.

6 (e) The Board shall advise the Department with regard to the program's:

7 (1) level of access to program participants; and

8 (2) quality of service.

9 7–804.

10 (a) The Department in consultation with the Board shall:

11 (1) establish and administer a program to provide cost-efficient, 24-hour,
12 dual party relay service to program participants at a comparable level of access and quality
13 that a standard telecommunication service provides to a person without a hearing or speech
14 disability;

15 (2) develop the program in collaboration with State programs currently
16 serving disabled individuals and with community agencies or other organizations that have
17 established relay programs; and

18 (3) maintain an information and referral service to provide information
19 about the availability of the relay service.

20 (b) The Department in consultation with the Board [may] **SHALL:**

21 (1) contract with a private vendor or nonprofit organization to provide the
22 information and referral service required under subsection (a)(3) of this section; and

23 (2) provide appropriate staff assistance from the Department, **INCLUDING**
24 **A DIRECTOR**, to assist the Board in carrying out its duties under this subtitle.

25 **(C) THE DIRECTOR PROVIDED UNDER SUBSECTION (B)(2) OF THIS SECTION**
26 **SHALL:**

27 **(1) BE AN INDIVIDUAL WHO IS:**

28 **(I) DEAF, HARD OF HEARING, DEAFBLIND, OR SPEECH**
29 **DISABLED; AND**

30 **(II) IS A USER OF TELECOMMUNICATIONS RELAY SERVICES;**

1 **(2) DIRECT THE IMPLEMENTATION OF SERVICES AND PROGRAMS**
2 **ESTABLISHED IN ACCORDANCE WITH THIS SUBTITLE AND SUBTITLE 9 OF THIS**
3 **TITLE; AND**

4 **(3) ADVISE THE DEPARTMENT AND THE SECRETARY OF**
5 **DISABILITIES ON REGULATORY POLICY AND THE ADMINISTRATION OF THE**
6 **UNIVERSAL SERVICE TRUST FUND.**

7 7-806.

8 (a) (1) Subject to paragraph (2) of this subsection, the programs under [§
9 3A-504(a) of this subtitle and §§ 3A-602(a) and 3A-702 of this title] **§ 7-804(A) OF THIS**
10 **SUBTITLE, § 7-902(A) OF THIS TITLE, AND § 3A-702 OF THE STATE FINANCE AND**
11 **PROCUREMENT ARTICLE** shall be funded as provided in the State budget.

12 (2) For fiscal year 2019 and each fiscal year thereafter, the program under
13 § 3A-702 of [this title] **THE STATE FINANCE AND PROCUREMENT ARTICLE** shall be
14 funded at an amount that:

15 (i) is equal to the cost that the Department of Aging is expected to
16 incur for the upcoming fiscal year to provide the service and administer the program; and

17 (ii) does not exceed 5 cents per month for each account out of the
18 surcharge amount authorized under subsection (c) of this section.

19 (b) (1) There is a Universal Service Trust Fund created for the purpose of
20 paying the costs of maintaining and operating the programs under:

21 (i) § [3A-504(a)] **7-804(A)** of this subtitle, subject to the limitations
22 and controls provided in this subtitle;

23 (ii) § [3A-602(a)] **7-902(A)** of this title, subject to the limitations
24 and controls provided in Subtitle [6] **9** of this title; and

25 (iii) § 3A-702 of [this title] **THE STATE FINANCE AND**
26 **PROCUREMENT ARTICLE**, subject to the limitations and controls provided in **TITLE 3A,**
27 Subtitle 7 of [this title] **THE STATE FINANCE AND PROCUREMENT ARTICLE.**

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

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

31 (i) to fund the costs of the programs specified in paragraph (1) of

1 this subsection; and

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

4 (c) (1) The costs of the programs under [§ 3A-504(a) of this subtitle and §§
5 3A-602(a) and 3A-702 of this title] **§ 7-804(A) OF THIS SUBTITLE, § 7-902(A) OF THIS**
6 **TITLE, AND § 3A-702 OF THE STATE FINANCE AND PROCUREMENT ARTICLE** shall be
7 funded by revenues generated by:

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

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

11 (2) (i) The surcharge may not exceed 18 cents per month for each
12 account and shall be applied to all current bills rendered for a communications service in
13 the State.

14 (ii) The surcharge is payable at the time the bills for a
15 communications service are due.

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

19 (d) (1) The Secretary shall annually certify to the Public Service Commission
20 the costs of the programs under [§ 3A-504(a) of this subtitle and §§ 3A-602(a) and 3A-702
21 of this title] **§ 7-804(A) OF THIS SUBTITLE, § 7-902(A) OF THIS TITLE, AND § 3A-702**
22 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE** to be paid by the Universal
23 Service Trust Fund for the following fiscal year.

24 (2) (i) The Public Service Commission shall determine the surcharge
25 for the following fiscal year necessary to fund the programs under [§ 3A-504(a) of this
26 subtitle and §§ 3A-602(a) and 3A-702 of this title] **§ 7-804(A) OF THIS SUBTITLE, §**
27 **7-902(A) OF THIS TITLE, AND § 3A-702 OF THE STATE FINANCE AND**
28 **PROCUREMENT ARTICLE.**

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

34 2. In setting the surcharge under subparagraph 1 of this
35 subparagraph, the Public Service Commission shall take into account whether the

1 surcharge may be adjusted as a result of any uncommitted funds in the Universal Service
2 Trust Fund at the end of the fiscal year that may be used to fund the costs of the programs
3 for the following fiscal year.

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

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

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

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

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

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

21 (g) (1) The Legislative Auditor may conduct postaudits of a fiscal and
22 compliance nature of the Universal Service Trust Fund and the expenditures made for
23 purposes of [§ 3A-504(a) of this subtitle and §§ 3A-602(a) and 3A-702 of this title] **§**
24 **7-804(A) OF THIS SUBTITLE, § 7-902(A) OF THIS TITLE, AND § 3A-702 OF THE STATE**
25 **FINANCE AND PROCUREMENT ARTICLE.**

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

28 7-901.

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

30 (b) "Board" means the Governor's Advisory Board for Telecommunications Relay
31 established in Subtitle [5] 8 of this title.

32 (c) **"DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.**

33 [(c)] (d) "Program" means the program [developed and] administered by the

1 Department in consultation with the Board [and the Department of Disabilities] to provide
2 financial assistance for the purchase of specialized customer telephone equipment by
3 eligible program participants.

4 **[(d)] (E)** “Program participant” means a person who:

5 (1) is a resident of the State;

6 (2) is certified by a licensed professional as having a disability which
7 seriously limits or prohibits the use of the telephone or wireless network without
8 specialized customer telephone equipment;

9 (3) is certified by a licensed professional as being able to use specialized
10 customer telephone equipment for which application is made;

11 (4) meets the financial eligibility requirements established by the
12 Department [in consultation with the Department of Disabilities] as a recipient of:

13 (i) Transitional Emergency Medical and Housing Assistance
14 (TEMHA);

15 (ii) Supplemental Security Income (SSI);

16 (iii) Social Security Disability Income (SSDI); or

17 (iv) Temporary Assistance for Needy Families (TANF); and

18 (5) at the time of application is not receiving similar services which are
19 available and can be provided in a timely manner through another program.

20 **[(e)] (F)** “Qualified entity” means a nonprofit organization that:

21 (1) produces audio editions of daily newspapers, available for interstate
22 distribution using high-speed computer and telecommunications technology; and

23 (2) provides a means of program administration and reader registration on
24 the Internet.

25 **[(f)] (G)** “Specialized customer telephone equipment” or “equipment” means any
26 communications device designed to assist program participants in using a telephone or
27 wireless service provider’s network.

28 **[(g)] (H)** “System” means the method which the Department shall use to provide
29 equipment to eligible program participants.

30 7-902.

1 (a) In accordance with the State budget and § [3A-506] **7-806** of this title, the
2 Department, in consultation with the Board [and the Department of Disabilities], shall
3 establish and administer a program:

4 (1) to provide specialized customer telephone equipment to eligible
5 program participants; and

6 (2) to provide reimbursement of costs under § [3A-606] **7-906** of this
7 subtitle.

8 (b) (1) In this subsection, “shopping facility” means an outdoor or indoor retail
9 facility with a common pedestrian area housing more than five sales or rental
10 establishments in which a majority of the tenants have a main entrance from the common
11 pedestrian area.

12 (2) This subsection applies to a shopping facility that:

13 (i) provides a total number of four or more public pay telephones at
14 the facility of which at least one is located in the common pedestrian area; and

15 (ii) is larger than 500,000 square feet.

16 (3) In accordance with the standards and regulations established by the
17 Department, the owner, operator, manager, or other person having control of a shopping
18 facility shall acquire and install at least one specialized communications device designed
19 to enable customers with hearing or speech disabilities to access a telephone or wireless
20 service providers network.

21 7-903.

22 (a) The Department, in consultation with the Board [and the Department of
23 Disabilities], shall:

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

26 (2) **PROVIDE A SYSTEM FOR ELIGIBLE PROGRAM PARTICIPANTS WHO**
27 **CANNOT ACCESS TELECOMMUNICATIONS RELAY SERVICES IN A TRADITIONAL**
28 **MANNER TO OBTAIN COMMUNICATION FACILITATORS OR RELATED SUPPORT**
29 **SERVICES;**

30 (3) establish an information and referral service, including the toll-free
31 numbers for the various access modes for the Maryland relay service and provide
32 information about the availability of the equipment;

1 ~~[(3)] (4)~~ contract with private vendors or nonprofit organizations to
2 provide the information and referral service and other auxiliary services;

3 ~~[(4)] (5)~~ as necessary, establish interagency agreements with other State
4 agencies that provide technical assistance for disabled individuals to prevent duplicative
5 programs; and

6 ~~[(5)] (6)~~ appoint appropriate staff to assist the Board in carrying out its
7 activities under this subtitle.

8 (b) The Board and the Department ~~[of Disabilities]~~ shall:

9 (1) ~~[assist the Department in the development of]~~ **DEVELOP** regulations;

10 (2) develop and implement educational outreach programs; **AND**

11 (3) review and monitor the program~~];~~ and

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

13 7-905.

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

16 7-906.

17 (a) The Department in consultation with the Board ~~[and the Department of~~
18 ~~Disabilities]~~ shall enter into an agreement with the State Library Board, providing for an
19 annual payment to be made to the State Library Agency in an amount equal to the cost
20 incurred for the distribution of newspapers in a computerized audio format.

21 (b) Under the agreement, the State Library Agency shall provide eligible blind
22 and disabled individuals with access to newspapers in a computerized audio format by a
23 qualified entity.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2020.