

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

HOUSE BILL NO. 1122
(Natural Resources Committee)
(At the request of the Department of Human Services)

AN ACT to amend and reenact sections 54-44.8-01, 54-44.8-03, and 54-44.8-06 of the North Dakota Century Code, relating to administration of the program for telecommunications services for communications-impaired persons.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-44.8-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.8-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the individual employed by the division to oversee administration of the program.
2. "Commission" means the public service commission.
3. "Communications impaired" means the condition of an individual who is deaf, hearing impaired, ~~or~~ speech impaired, or mobility impaired so as to be unable to use a telephone readily purchased from a retail store.
4. "Disadvantaged" means residing in a household that has a median income not more than the applicable median income in this state, except the term includes residing in a household that has a median income not more than one hundred fifty percent of the applicable median income in this state if the resident is deaf.
5. "Division" means the information services division of the office of management and budget.
- ~~5.~~ 6. "Local exchange company" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.
- ~~6.~~ 7. "Program" means the program established under section 54-44.8-03.
- ~~7.~~ 8. "Radio communications access" means the radio access between a customer of a radio communications service provider and the provider.
- ~~8.~~ 9. "Radio communications service provider" means a telecommunications company that provides radio communication service or cellular service to members of the general public who are its customers.
- ~~9.~~ 10. "Specialized telecommunications equipment" means a device that, when connected to a telephone, enables or assists a person who is communications impaired to communicate with another person utilizing the telephone network. The term may include telecommunications devices for the deaf, amplifiers, and signaling devices.
- ~~10.~~ 11. "Telecommunications relay service" means a statewide service through which a communications-impaired individual, using specialized telecommunications equipment, may send and receive messages to and from a noncommunications-impaired individual whose telephone is not equipped with specialized telecommunications equipment and through which a noncommunications-impaired individual, by using voice communication, may send and receive messages to and from a communications-impaired individual.

44. 12. "Telephone access line" means the facilities between a serving central office and the customer of a local exchange company which are required to provide access to the local and toll network.

SECTION 2. AMENDMENT. Section 54-44.8-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.8-03. Program established - Purpose.

1. The division shall establish and administer a program to provide telecommunications relay service to persons who are communications impaired.
2. The program shall provide a telecommunications relay service to allow persons who are communications impaired to communicate via the telecommunications network with noncommunications-impaired persons.
3. The ~~vocational-rehabilitation division~~ of the department of human services shall furnish specialized telecommunications equipment to meet the needs of individuals who are communications impaired and who might be otherwise disadvantaged in their ability to obtain such equipment. The ~~vocational-rehabilitation division~~ department shall determine eligibility and may provide the specialized telecommunications equipment to individuals determined eligible within the limits of funding made available to the ~~vocational rehabilitation division~~ department through gifts and grants received under section 54-44.8-06 and from funding made available by the information services division from the surcharge collected pursuant to section 54-44.8-08, which are hereby appropriated.

SECTION 3. AMENDMENT. Section 54-44.8-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.8-06. Gifts and grants. The ~~vocational-rehabilitation division~~ department of human services may accept contributions and gifts and may apply for and accept grants, in money or otherwise, to the program. Monetary contributions, gifts, and grants must be deposited in the state treasury to be credited to the department of human services operating account.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1122.

House Vote: Yeas 98 Nays 0 Absent 0

Senate Vote: Yeas 48 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State