

(c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number, or

(2) Having control of a telephone, knowingly permits it to be used for any purpose prohibited by this section, shall be guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 1986, section 609.795, is amended to read:

609.795 ~~OPENING SEALED LETTER, TELEGRAM, OR PACKAGE;~~ OPENING; HARASSMENT.

Whoever does ~~either~~ any of the following is guilty of a misdemeanor:

(1) Knowing that the actor does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or

(2) Knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof; or

(3) With the intent to harass, abuse, or threaten, repeatedly uses the mails or delivers letters, telegrams, or packages.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective August 1, 1987, and apply to crimes committed on or after that date.

Approved May 28, 1987

CHAPTER 308—S.F.No. 1029

An act relating to utilities; establishing program to provide communication-impaired people with devices enabling their use of telephones; creating advisory committee and requiring report; providing for payment of costs of program; proposing coding for new law in Minnesota Statutes, chapter 237.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[237.50] DEFINITIONS.**

Subdivision 1. SCOPE. The terms used in sections 1 to 7 have the meanings given them in this section.

Subd. 2. BOARD. "Board" means the telecommunication access for communication-impaired persons board established in section 2.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. COMMUNICATION IMPAIRED. “Communication impaired” means certified as deaf, severely hearing impaired, hard of hearing, speech impaired, or deaf and blind.

Subd. 4. COMMUNICATION DEVICE. “Communication device” means a device that when connected to a telephone enables a communication-impaired person to communicate with another person utilizing the telephone system. A “communication device” includes a ring signaler, an amplification device, a telephone device for the deaf, and a telebraille unit.

Subd. 5. EXCHANGE. “Exchange” means a unit area established and described by the tariff of a telephone company for the administration of telephone service in a specified geographical area, usually embracing a city, town, or village and its environs, and served by one or more central offices, together with associated facilities used in providing service within that area.

Subd. 6. FUND. “Fund” means the telecommunication access for communication-impaired persons fund established in section 3.

Subd. 7. INTEREXCHANGE SERVICE. “Interexchange service” means telephone service between points in two or more exchanges.

Subd. 8. INTER-LATA INTEREXCHANGE SERVICE. “Inter-LATA interexchange service” means interexchange service originating and terminating in different LATAs.

Subd. 9. LOCAL ACCESS AND TRANSPORT AREA. “Local access and transport area (LATA)” means a geographical area designated by the Modification of Final Judgment in U.S. v. Western Electric Co., Inc., 552 F. Supp. 131 (D.D.C. 1982), including modifications in effect on the effective date of sections 2 to 5.

Subd. 10. LOCAL EXCHANGE SERVICE. “Local exchange service” means telephone service between points within an exchange.

Subd. 11. MESSAGE RELAY SERVICE. “Message relay service” means a central statewide service through which a communication-impaired person, using a communication device, may send and receive messages to and from a non-communication-impaired person whose telephone is not equipped with a communication device and through which a non-communication-impaired person may, by using voice communication, send and receive messages to and from a communication-impaired person.

Sec. 2. [237.51] BOARD.

Subdivision 1. CREATION. The telecommunication access for communication-impaired persons board is established to establish and administer a program to distribute communication devices to eligible communication-impaired persons and to create and maintain a message relay service.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. MEMBERS. The board consists of 12 persons to include:

(1) the commissioner of the department of human services or the commissioner's designee;

(2) the director of the department of public service or the director's designee;

(3) five communication-impaired persons appointed by the governor;

(4) one person appointed by the governor who is a professional in the area of communications disabilities.

(5) one person appointed by the governor to represent the telephone company providing local exchange service to the largest number of persons;

(6) one member of the Minnesota Telephone Association appointed by the governor to represent other affected telephone companies; and

(7) one person appointed by the governor to represent companies providing inter-LATA interexchange telephone service; and

(8) one person to represent the organization operating the message relay service to be appointed by the governor at the time the board contracts with the organization pursuant to section 5.

Subd. 3. REMOVAL; VACANCY; EXPENSES. The removal of members and filling of vacancies shall be handled as provided under section 15.059, subdivision 4. Members of the board may be reimbursed for expenses incurred in attending meetings as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2.

Subd. 4. MEETINGS. The board shall meet at least monthly until December 31, 1988, and at least quarterly thereafter.

Subd. 5. DUTIES. In addition to any duties specified elsewhere in sections 2 to 7, the board shall:

(1) define economic hardship, special needs, and household criteria so as to determine the priority of eligible applicants for initial distribution of devices and to determine circumstances necessitating provision of more than one communication device per household;

(2) establish a method to verify eligibility requirements;

(3) research and publish lists of available communication devices and compatibility of the devices with available telephone equipment;

(4) enter contracts for the establishment and operation of the message relay service pursuant to section 5;

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(5) inform the public and specifically the community of communication-impaired persons of the program;

(6) prepare the reports required by section 6;

(7) administer the fund created in section 3;

(8) retain the services of a program administrator; and

(9) study the potential economic impact of the program on local communication device retailers and dispensers and develop guidelines for the purchase of some communication devices from local retailers and dispensers if the study determines that otherwise they will be economically harmed by implementation of sections 1 to 7.

Subd. 6. ADMINISTRATIVE SUPPORT. The director of the department of public service shall provide staff assistance not including the program administrator who is to be chosen by the board, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for services, staff, and space provided. The board may request necessary information from the supervising officer of any state agency.

Sec. 3. [237.52] FUND; ASSESSMENT.

Subdivision 1. FUND. A telecommunication access for communication-impaired persons fund is established as an account in the state treasury. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. ASSESSMENT. The board shall annually recommend to the commission an adequate and appropriate mechanism to implement sections 1 to 7. The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the program administrator and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than ten cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section 403.11, subdivision 1.

Subd. 3. COLLECTION. Every telephone company providing local service in this state shall collect the charges established by the commission under subdivision 2 and transfer amounts collected to the commissioner of administration in the same manner as provided in section 403.11, subdivision 1, paragraph (c). The commissioner of administration must deposit the receipts in the fund established in subdivision 1.

Subd. 4. APPROPRIATION. Money in the fund is appropriated to the board to implement sections 2 to 7.

Subd. 5. EXPENDITURES. Money in the fund may only be used for:

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(1) program administration including personnel cost, public relations, board members' expenses, preparation of reports, and other reasonable expenses not to exceed 20 percent of total program expenditures;

(2) reimbursing telephone companies for purchases made or services provided pursuant to section 4;

(3) contracting for establishment and operation of the message relay service required by section 5.

All costs directly associated with the establishment of the board and program, the purchase and distribution of communication devices and the establishment and operation of the message relay service are either reimbursable or directly payable from the fund after authorization by the board.

Sec. 4. [237.53] COMMUNICATION DEVICES.

Subdivision 1. APPLICATION. A person applying for a communication device under this section must apply to the program administrator on a form prescribed by the board.

Subd. 2. ELIGIBILITY. To be eligible to obtain a communication device under this section, a person must be:

(1) at least five years of age;

(2) communication impaired;

(3) a resident of the state;

(4) a resident in a household that has a median income at or below the applicable median household income in the state, except a deaf and blind person applying for a telebraille unit may reside in a household that has a median income no more than 150 percent of the applicable median household income in the state; and

(5) a resident in a household that has telephone service or that has made application for service and has been assigned a telephone number.

Subd. 3. DISTRIBUTION. The telephone company providing local exchange service to the largest number of persons in the state shall purchase and distribute to each other telephone company providing local exchange service a sufficient number of communication devices so that each eligible household receives an appropriate device. Each telephone company providing local exchange service shall distribute the devices to eligible households in its service area free of charge as directed by the program administrator. Initial distribution of the devices will be on a priority basis as determined by the board under section 2.

Subd. 4. TRAINING; MAINTENANCE. The company providing local exchange service to an eligible household shall maintain the communication devices and provide training, without charge, to first-time users of the devices.

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Subd. 5. WIRING INSTALLATION. If a communication-impaired person is not served by telephone service and is subject to economic hardship as determined by the board, the telephone company providing local service shall at the direction of the administrator of the program install necessary outside wiring without charge to the household.

Subd. 6. OWNERSHIP. All communication devices purchased pursuant to subdivision 3 will become the property of the company providing the communication device to eligible recipients and are excluded from that company's rate base for the purpose of establishing rates under section 237.075 as applicable.

Subd. 7. STANDARDS. The communication devices distributed under this section must comply with the electronic industries association standards and approved by the Federal Communications Commission. Each company must provide each eligible person a choice of several models of devices, the retail value of which may not exceed \$600 for a communication device for the deaf and a retail value of \$7,000 for a telebraille device.

Subd. 8. REIMBURSEMENT. The board shall reimburse telephone companies for the cost of any purchase or service required under this section from money in the fund established in section 3.

Sec. 5. [237.54] MESSAGE RELAY SERVICE.

Subdivision 1. ESTABLISHMENT. The board shall contract with an inter-LATA interexchange telephone service provider to establish a third-party message relay service with an "800" number to enable telecommunication between communication-impaired persons and non-communication-impaired persons.

Subd. 2. OPERATION. The board shall contract with a local consumer organization that serves communication-impaired persons for operation of the message relay system. The operator of the system shall keep all messages confidential, shall train personnel in the unique needs of communication-impaired people, and shall inform communication-impaired persons and the public of the availability and use of the system. The operator shall not relay a message unless it originates or terminates through a communication device for the deaf or a telebraille device.

Sec. 6. [237.55] REPORTS; PLANS.

The board shall prepare a report for presentation to the commission not later than December 31, 1987, to include plans for distributing communication devices and establishing a third-party message relay service and a recommendation for a funding mechanism pursuant to section 3, subdivision 2. The provision of service required under sections 1 to 7 may begin when the plan is approved by the commission or March 1, 1988, whichever is earlier.

Beginning in 1988, the board must prepare a report for presentation to the commission by December 31 of each year through the year 1992. Each report

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must review the accessibility of the telephone system to communication-impaired persons, review the ability of non-communication-impaired persons to communicate with communication-impaired persons via the telephone system, describe services provided, account for money received and disbursed annually for each aspect of the program to date, and include predicted future operation until the final report.

The final report must, in detail, describe program operation and make recommendations for the funding and service level for necessary ongoing services. The commission may recommend changes in the program to the legislature throughout its operation and shall make a recommendation to the legislature by February 1, 1993, for the future provision and maintenance of the services.

Sec. 7. [237.56] ADEQUATE SERVICE.

The services required to be provided under sections 1 to 6 may be enforced under section 237.081 upon a complaint of at least two communication-impaired persons within the service area of any one telephone company, provided that if only one person within the service area of a company is receiving service under sections 1 to 6, the commission may proceed upon a complaint from that person.

Sec. 8. EFFECTIVE DATE.

Sections 1 to 7 are effective July 1, 1987, and are repealed effective June 30, 1993.

Approved May 28, 1987

CHAPTER 309—S.F.No. 1041

An act relating to health; providing for a local public health act; defining the powers and duties of boards of health; providing discretionary county ordnancing power; authorizing the community health service subsidy; authorizing grants; providing penalties; amending Minnesota Statutes 1986, sections 35.67; 35.68; 144.36; 144.37; 145.075; and 145.923; and Laws 1969, chapter 235, section 3, subdivisions 2 and 4; proposing coding for new law as Minnesota Statutes, chapter 145A; repealing Minnesota Statutes 1986, sections 145.01 to 145.07; 145.08 to 145.125; 145.17 to 145.23; 145.24, subdivisions 1 and 2; 145.47 to 145.55; 145.911; 145.912, subdivisions 1 to 8, 10 to 15, 19, and 20; 145.913 to 145.92; and 145.922.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [145A.01] CITATION.

Chapter 145A may be cited as the "local public health act."

Sec. 2. [145A.02] DEFINITIONS.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.