

Subd. 4. Any employer who fails to correct a violation for which a citation has been issued under section 182.66 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a fine of not more than ~~\$1,000~~ \$2,000 for each day during which such failure or violation continues.

Sec. 5. Minnesota Statutes 1987 Supplement, section 182.666, subdivision 5, is amended to read:

Subd. 5. Any employer who violates any of the posting requirements, as prescribed under this chapter, except those prescribed under section 182.661, subdivision 3a, shall be assessed a fine of up to ~~\$1,000~~ \$2,000 for each violation.

Sec. 6. Minnesota Statutes 1986, section 182.666, subdivision 5a, is amended to read:

Subd. 5a. Any employer who knowingly violates section 182.6575 shall be assessed a fine of up to ~~\$1,000~~ \$2,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of ~~\$200~~ \$400.

Sec. 7. Minnesota Statutes 1986, section 182.666, subdivision 7, is amended to read:

Subd. 7. Fines imposed under this chapter shall be paid to the commissioner for deposit in the general fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Unpaid fines shall be increased to 125 percent of the original assessed amount if not paid within 60 days after the fine becomes a final order. After that 60 days, unpaid fines shall accrue an additional penalty of ten percent per month compounded monthly until the fine is paid in full.

Approved April 24, 1988

CHAPTER 621—S.F.No. 1809

An act relating to telephones; combining local telephone service surcharges for emergency telephone service, telephone access for hearing impaired, and the telephone assistance plan into one surcharge at the option of each company; requiring the department of human services to administer the telecommunications assistance for communication impaired persons program; making other technical changes in the program; requiring the department of administration to separate the surcharges into three separate accounts; adding low-income disabled persons to those eligible for the telephone assistance plan; clarifying eligibility for

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telephone assistance; clarifying administrative functions of and reimbursements to state agencies and telephone companies; amending Minnesota Statutes 1987 Supplement, sections 237.50, subdivision 4; 237.51, subdivision 5; 237.52, subdivision 5; 237.53, subdivisions 3, 4, 6, and 7; 237.69, subdivision 6, and by adding subdivisions; and 237.70, subdivisions 3, 6, 7, and by adding a subdivision; Laws 1987, chapter 340, section 17; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1987 Supplement, sections 237.53, subdivision 8; 237.70, subdivision 4; and 237.72.

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

Section 1. [237.49] COMBINED LOCAL ACCESS SURCHARGE.

Each local telephone company shall collect from each subscriber an amount or amounts representing the total of the surcharges required under sections 237.52, 237.70, and 403.11. Amounts collected must be remitted to the department of administration in the manner prescribed in section 403.11. The department of administration shall divide the amounts received proportional to the individual surcharges and deposit them in the appropriate accounts.

Sec. 2. Minnesota Statutes 1987 Supplement, section 237.50, subdivision 4, is amended to read:

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 with any auxiliary equipment the board deems necessary, and a telebraille unit.

Sec. 3. Minnesota Statutes 1987 Supplement, section 237.51, subdivision 5, is amended to read:

Subd. 5. **DUTIES.** In addition to any duties specified elsewhere in sections 237.51 to 237.56, 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~~ establish specifications for communication devices and compatibility of the devices with available telephone equipment to be purchased under section 237.53, subdivision 3;

(4) enter contracts for the establishment and operation of the message relay service pursuant to section 237.54;

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

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- (6) prepare the reports required by section 237.55;
- (7) administer the fund created in section 237.52;
- (8) retain the services of a program administrator; ~~and~~
- (9) adopt rules, including emergency rules, under chapter 14 to implement the provisions of sections 237.50 to 237.56; and
- (10) study the potential economic impact of the program on local communication device retailers and dispensers ~~and~~, Notwithstanding any provision of chapter 16B, the board shall 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 237.50 to 237.56.

Sec. 4. Minnesota Statutes 1987 Supplement, section 237.52, subdivision 5, is amended to read:

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

- (1) ~~program administration expenses of the board,~~ 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 the commissioner of human services~~ for purchases made or services provided pursuant to section 237.53;
- (3) reimbursing telephone companies for purchases made or services provided under section 237.53, subdivision 5; and
- (4) contracting for establishment and operation of the message relay service required by section 237.54.

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. 5. Minnesota Statutes 1987 Supplement, section 237.53, subdivision 3, is amended to read:

Subd. 3. **DISTRIBUTION.** ~~The telephone company providing local exchange service to the largest number of persons in the state~~ commissioner of human services 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 The commissioner of human services shall distribute the devices to eligible households in its each service area free of charge as directed by the program administrator. ~~Initial distribution of the~~

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~~devices will be on a priority basis as determined by the board under section 237.51; the board under section 237.51, subdivision 5.~~

Sec. 6. Minnesota Statutes 1987 Supplement, section 237.53, subdivision 4, is amended to read:

Subd. 4. **TRAINING; MAINTENANCE.** ~~The company providing local exchange service to an eligible household~~ commissioner of human services shall maintain the communication devices until the warranty period expires, and provide training, without charge, to first-time users of the devices.

Sec. 7. Minnesota Statutes 1987 Supplement, section 237.53, subdivision 6, is amended to read:

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 state of Minnesota.~~

Sec. 8. Minnesota Statutes 1987 Supplement, section 237.53, subdivision 7, is amended to read:

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~~ The commissioner of human services 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 tele-braille device, or an amount authorized by the board for a telephone device for the deaf with auxiliary equipment.

Sec. 9. Minnesota Statutes 1987 Supplement, section 237.69, is amended by adding a subdivision to read:

Subd. 9. DISABLED. "Disabled" has the meaning given it in section 363.01, subdivision 25.

Sec. 10. Minnesota Statutes 1987 Supplement, section 237.69, subdivision 6, is amended to read:

Subd. 6. **FEDERAL MATCHING PLAN.** "Federal matching plan" means ~~the~~ any telephone assistance plan formulated by the Federal Communications Commission that provides federal assistance to local telephone subscribers.

Sec. 11. Minnesota Statutes 1987 Supplement, section 237.69, is amended by adding a subdivision to read:

Subd. 10. FUND. "Fund" means the telephone assistance fund established in section 16.

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Sec. 12. Minnesota Statutes 1987 Supplement, section 237.70, subdivision 3, is amended to read:

Subd. 3. **FEDERAL MATCHING PLAN.** The telephone assistance plan must contain adequate provisions to enable telephone companies to qualify for assistance under waiver of the federal interstate access charge and to enable eligible subscribers to take advantage of the federal matching plan.

Sec. 13. Minnesota Statutes 1987 Supplement, section 237.70, is amended by adding a subdivision to read:

Subd. 4a. HOUSEHOLDS ELIGIBLE FOR CREDITS. The telephone assistance plan must provide telephone assistance credit for a residential household in Minnesota that meets each of the following criteria:

(1) has a household member who:

(i) subscribes to local exchange service; and

(ii) is either disabled or 65 years of age or older;

(2) whose household income is 150 percent or less of federal poverty guidelines or is currently eligible for:

(i) aid to families with dependent children;

(ii) medical assistance;

(iii) general assistance;

(iv) Minnesota supplemental aid;

(v) food stamps;

(vi) refugee cash assistance or refugee medical assistance;

(vii) energy assistance; or

(viii) supplemental security income; and

(3) who has been certified as eligible for telephone assistance plan credits.

Sec. 14. Minnesota Statutes 1987 Supplement, section 237.70, subdivision 6, is amended to read:

Subd. 6. **FUNDING.** The commission shall provide for the funding of the telephone assistance plan by assessing a uniform recurring monthly surcharge, not to exceed ten cents per access line, applicable to all classes and grades of access lines provided by each telephone company in the state. ~~The revenue generated by the surcharge must not exceed \$2,500,000 on a statewide basis. This statewide \$2,500,000 limitation must be apportioned between telephone companies based on their relative number of access lines.~~

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Sec. 15. Minnesota Statutes 1987 Supplement, section 237.70, subdivision 7, is amended to read:

Subd. 7. **ADMINISTRATION.** The telephone assistance plan must be administered jointly by the commission, the department of human services, and the telephone companies in accordance with the following guidelines:

(a) The commission and the department of human services shall develop ~~eligibility certification forms~~ an application form that must be completed ~~at least annually~~ by the subscriber ~~residing in a household~~ for the ~~purposes~~ purpose of certifying eligibility for telephone assistance plan credits to the telephone companies. Each telephone company shall annually mail a notice of the availability of the telephone assistance plan to each residential subscriber in a regular billing and shall mail the application form to customers when requested.

The notice must state the following:

YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE BILL IF YOU MEET CERTAIN HOUSEHOLD INCOME LIMITS, AND YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE CONTACT

(b) The department of human services, ~~through its various offices and agencies,~~ shall determine the eligibility for telephone assistance plan credits ~~on an annual basis~~ at least annually according to the criteria contained in subdivision 4, ~~based upon consideration of documentation made available to the department of human services by the subscriber,~~ and shall ~~provide the necessary certification forms to eligible households for provision by the households to the telephone company 4a.~~

(c) ~~The~~ Each telephone company shall provide telephone assistance plan credits against monthly charges in the earliest possible month following receipt of an ~~eligibility certification~~ application form and shall continue to provide credits ~~for 12 months after,~~ unless notified that ~~eligibility has terminated earlier~~ the subscriber is ineligible. ~~At the end of every 12-month period, telephone assistance plan credits cease unless the telephone company has been provided with a new eligibility certification form.~~ The company shall cease granting credits at the earliest possible billing cycle when notified by the department of human services that the subscriber is ineligible.

(d) The commission shall serve as the ~~administrator~~ coordinator of a ~~statewide surcharge revenue pool~~ the telephone assistance plan and be reimbursed for its administrative expenses from the surcharge revenue pool. As the ~~administrator~~ coordinator, the commission shall:

(1) establish a uniform statewide surcharge in accordance with subdivision 6;

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(2) establish a uniform statewide level of telephone assistance plan credit that each telephone company shall extend to each eligible household in its service area;

(3) require each telephone company to account to the commission on a periodic basis for surcharge revenues collected by the company, expenses incurred by the company, not to include expenses of collecting surcharges, and credits extended by the company under the telephone assistance plan;

(4) require each telephone company to remit ~~excess~~ surcharge revenues to the ~~commission~~ department of administration for ~~administration as part of the pool deposit in the fund~~; and

(5) remit to each telephone company from the surcharge revenue pool the amount necessary to compensate the company for expenses, not including expenses of collecting the surcharges, and telephone assistance plan credits ~~that are not covered by the surcharge revenue collected by the company~~. When it appears that the revenue generated by the maximum surcharge permitted under subdivision 6 will be inadequate to fund any particular established level of telephone assistance plan credits, the commission shall reduce the credits to a level that can be adequately funded by the maximum surcharge. Similarly, the commission may increase the level of the telephone assistance plan credit that is available or reduce the surcharge to a level and for a period of time that will prevent an unreasonable overcollection of surcharge revenues.

(e) Each telephone company shall maintain adequate records of surcharge revenues, expenses, and credits related to the telephone assistance plan and shall, as part of its annual report or separately, provide the commission and the department of public service with a financial report of its experience under the telephone assistance plan for the previous year. That report must also be adequate to satisfy the reporting requirements of the federal matching plan.

(f) The department of public service shall investigate complaints against telephone companies with regard to the telephone assistance plan and shall report the results of its investigation to the commission.

Sec. 16. [237.701] TELEPHONE ASSISTANCE FUND; APPROPRIATION.

Subdivision 1. TELEPHONE ASSISTANCE FUND. The telephone assistance fund is created as a separate account in the state treasury to consist of amounts received by the department of administration representing the surcharge authorized by section 237.70, subdivision 6, and amounts earned on the fund assets. Money in the fund may be used only for:

(1) reimbursement to telephone companies for expenses and credits allowed in section 237.70, subdivision 7, paragraph (d), clause (5);

(2) reimbursement of the administrative expenses of the department of

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human services from January 1, 1988, to June 30, 1989, to implement sections 237.69 to 237.71 not to exceed \$90,000; and *

(3) reimbursement of the administrative expenses of the commission not to exceed \$25,000 annually.

Subd. 2. APPROPRIATION. Money in the fund is appropriated to the commission to be disbursed pursuant to section 237.70, subdivision 7.

Sec. 17. Laws 1987, chapter 340, section 17, is amended to read:

Sec. 17. LEGISLATIVE REPORT.

By January 1, 1989, the commission shall submit a report to the legislature with regard to the implementation, administration, and effectiveness of the telephone assistance plan and shall make any recommendations ~~the commission believes are appropriate with regard to eligibility, funding, and administration of the telephone assistance plan~~ for changes in the plan.

Sec. 18. [237.711] RULES.

The commission may adopt emergency and permanent rules to implement sections 1 to 16.

Sec. 19. REPEALER.

Minnesota Statutes 1987 Supplement, sections 237.53, subdivision 8, 237.70, subdivision 4, and 237.72, are repealed.

Sec. 20. EFFECTIVE DATE.

Sections 1 to 19 are effective the day following final enactment.

Approved April 24, 1988

CHAPTER 622—S.F.No. 1955

An act relating to Ramsey county; authorizing the county to use certain land dedicated as open space for highway purposes; authorizing the sale of certain land; extending the time for the charter commission; amending Minnesota Statutes 1987 Supplement, section 383A.554.

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

Section 1. HIGHWAY INTERSECTION.

Notwithstanding any contrary provision of Minnesota Statutes, section 383A.07, the county may use the open space lands described in this section for highway purposes.

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