

(8) whether in the opinion of the head of the facility the patient satisfies the statutory requirement for continued commitment, with documentation to support the opinion; and

(9) whether the administration of neuroleptic medication is clinically indicated, whether the patient is able to give informed consent to that medication, and the basis for these opinions.

Sec. 7. Minnesota Statutes 1994, section 253B.17, subdivision 1, is amended to read:

Subdivision 1. **PETITION.** Any patient, except one committed as mentally ill and dangerous to the public, or any interested person may petition the committing court or the court to which venue has been transferred for an order that the patient is not in need of continued institutionalization or for an order that an individual is no longer mentally ill, mentally retarded, or chemically dependent, or for any other relief as the court deems just and equitable. A patient committed as mentally ill or mentally ill and dangerous may petition the committing court or the court to which venue has been transferred for a hearing concerning the administration of neuroleptic medication. ~~A hearing may also be held pursuant to sections 253B.08, 253B.09, 253B.12, and 253B.18.~~

Sec. 8. INSTRUCTION TO REVISOR.

The revisor of statutes shall change the words "probate court" to "district court," in Minnesota Statutes 1996 and subsequent editions of the statutes.

Presented to the governor May 17, 1995

Signed by the governor May 19, 1995, 2:42 p.m.

CHAPTER 190—S.F.No. 910

An act relating to telecommunications; eliminating the telecommunication access for communication-impaired persons board; creating telecommunication access duties for the departments of public service and human services; specifying the membership of regional service for deaf and hard of hearing advisory committees; amending Minnesota Statutes 1994, sections 237.50, subdivision 4; 237.51, subdivisions 1, 5, and by adding a subdivision; 237.52, subdivisions 2, 4, and 5; 237.53, subdivisions 1, 3, 5, and 7; 237.54, subdivision 2; 237.55; and 256C.24, subdivision 3; repealing Minnesota Statutes 1994, sections 237.50, subdivision 2; 237.51, subdivisions 2, 3, 4, and 6; and 237.54, subdivision 1.

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

Section 1. Minnesota Statutes 1994, section 237.50, subdivision 4, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

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, a Braille device for use with a telephone, and any other device the ~~board~~ department of human services deems necessary.

Sec. 2. Minnesota Statutes 1994, section 237.51, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** ~~The telecommunication access for communication-impaired persons board is established to establish and department of public service shall administer through interagency agreement with the department of human services a program to distribute communication devices to eligible communication-impaired persons and contract with a local consumer group that serves communication-impaired persons to create and maintain a telecommunication relay service. For purposes of sections 237.51 to 237.56, the department of public service and any organization with which it contracts pursuant to this section or section 237.54, subdivision 2, are not telephone companies or telecommunications carriers as defined in section 237.01.~~

Sec. 3. Minnesota Statutes 1994, section 237.51, subdivision 5, is amended to read:

Subd. 5. **DEPARTMENT OF PUBLIC SERVICE DUTIES.** In addition to any duties specified elsewhere in sections 237.51 to 237.56, the ~~board~~ department of public service 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) ~~establish specifications for communication devices to be purchased under section 237.53, subdivision 3;~~

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

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

(6) ~~prepare the reports required by section 237.55;~~

(7) ~~(2)~~ administer the fund created in section 237.52; and

(8) ~~reestablish and fill the position of program administrator whose position is in the unclassified service and establish and fill other positions in the classified service required to conduct the business of the board;~~

New language is indicated by underline, deletions by ~~strikeout~~.

(9) ~~(3)~~ adopt rules, ~~including emergency rules,~~ under chapter 14 to implement the provisions of sections 237.50 to 237.56; ~~and~~

~~(10) notwithstanding any provision of chapter 16B, develop guidelines for the purchase of some communication devices from local retailers and dispensers if the board determines that otherwise they will be economically harmed by implementation of sections 237.50 to 237.56.~~

Sec. 4. Minnesota Statutes 1994, section 237.51, is amended by adding a subdivision to read:

Subd. 5a. DEPARTMENT OF HUMAN SERVICES; DUTIES. (a) In addition to any duties specified elsewhere in sections 237.51 to 237.56, the department of human services 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) establish specifications for communication devices to be purchased under section 237.53, subdivision 3;

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

(5) notwithstanding any provision of chapter 16B, develop guidelines for the purchase of some communication devices from local retailers and dispensers if the department determines that otherwise they will be economically harmed by implementation of sections 237.50 to 237.56.

(b) The department may establish an advisory board to advise the department in carrying out the duties specified in this section and to advise the department of public service in carrying out its duties under section 237.54. If so established, the advisory board must include, at a minimum, the following communication-impaired persons:

(1) at least one member who is deaf;

(2) at least one member who is speech impaired;

(3) at least one member who is mobility impaired; and

(4) at least one member who is hard-of-hearing.

The membership terms, compensation, and removal of members and the filling of membership vacancies are governed by section 15.059. Advisory board meetings shall be held at the discretion of the commissioner.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 5. Minnesota Statutes 1994, section 237.52, subdivision 2, is amended to read:

Subd. 2. **ASSESSMENT.** The ~~board~~ department of public service shall annually recommend to the commission an adequate and appropriate ~~mechanism surcharge and budget~~ to implement sections 237.50 to 237.56. The public utilities commission shall review the ~~board's~~ budget for reasonableness and may modify the budget to the extent it is unreasonable. The commission shall annually determine the funding mechanism to be used within 60 days of receipt of the recommendation of the ~~program administrator~~ department and shall order the imposition of surcharges effective on the earliest practicable date. The commission shall establish a monthly charge no greater than 20 cents for each customer access line, including trunk equivalents as designated by the commission pursuant to section 403.11, subdivision 1.

Sec. 6. Minnesota Statutes 1994, section 237.52, subdivision 4, is amended to read:

Subd. 4. **APPROPRIATION.** Money in the fund is appropriated to the ~~board~~ department of public service to implement sections 237.51 to 237.56.

Sec. 7. Minnesota Statutes 1994, section 237.52, subdivision 5, is amended to read:

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

(1) expenses of the ~~board~~ department of public service, including personnel cost, public relations, advisory board members' expenses, preparation of reports, and other reasonable expenses not to exceed ~~20~~ 10 percent of total program expenditures;

(2) reimbursing 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 telecommunication 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 telecommunication relay service are either reimbursable or directly payable from the fund after authorization by the ~~board~~ department of public service. The department of public service shall contract with the message relay service operator to indemnify the local exchange carriers of the relay service for any fines imposed by the Federal Communications Commission related to the failure of the relay service to comply with federal service standards. Notwithstanding section 16A.41, the ~~board~~ department of public service may advance money to the contractor of the telecommunication relay ser-

New language is indicated by underline, deletions by ~~strikeout~~.

vice if the contractor establishes to the ~~board's~~ department's satisfaction that the advance payment is necessary for the operation of the service. The advance payment may be used only for working capital reserve for the operation of the service. The advance payment must be offset or repaid by the end of the contract fiscal year together with interest accrued from the date of payment.

Sec. 8. Minnesota Statutes 1994, section 237.53, subdivision 1, is amended to read:

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~~ department of human services.

Sec. 9. Minnesota Statutes 1994, section 237.53, subdivision 3, is amended to read:

Subd. 3. **DISTRIBUTION.** The commissioner of human services shall purchase and distribute a sufficient number of communication devices so that each eligible household receives an appropriate device. The commissioner of human services shall distribute the devices to eligible households in each service area free of charge as ~~directed by the board~~ determined under section 237.51, subdivision 5 5a.

Sec. 10. Minnesota Statutes 1994, section 237.53, subdivision 5, is amended to read:

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~~ department of human services, 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.

Sec. 11. Minnesota Statutes 1994, 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. 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 telebraille device, or an amount authorized by the ~~board~~ department of human services for a telephone device for the deaf with auxiliary equipment.

Sec. 12. Minnesota Statutes 1994, section 237.54, subdivision 2, is amended to read:

Subd. 2. **OPERATION.** The ~~board~~ department of public service shall contract with a local consumer organization that serves communication-impaired persons for operation and maintenance of the telecommunication relay system.

New language is indicated by underline, deletions by ~~strikeout~~.

The ~~board~~ department may contract with other than a local consumer organization if ~~the board finds by at least a two-thirds majority vote that~~ no local consumer organization is available to enter into or perform a reasonable contract ~~to operate a telecommunications relay system or the only available consumer organization fails to comply with terms of a contract.~~ 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 Braille device for use with a telephone.

Sec. 13. Minnesota Statutes 1994, section 237.55, is amended to read:

237.55 REPORTS; PLANS.

The ~~board~~ department of public service must prepare a report for presentation to the commission by January 31 of each year. Each report 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.

Sec. 14. Minnesota Statutes 1994, section 256C.24, subdivision 3, is amended to read:

Subd. 3. **ADVISORY COMMITTEE.** The commissioner of human services shall appoint an advisory committee of ~~eight~~ nine persons for each regional service ~~center~~ area. Members shall include persons who are deaf and hard of hearing, persons who are communication-impaired, parents of children who are deaf and hard of hearing, parents of communication-impaired children, and representatives of county and regional human services, including representatives of private service providers. At least 50 percent of the members must be deaf or hard of hearing or communication-impaired. Committee members shall serve for a three-year term and shall serve no more than two consecutive terms. The commissioner of human services shall designate one member as chair. The commissioner of human services shall assign staff to serve as ex officio members of the committee. The compensation, removal of members, and filling of vacancies on the committee shall be as provided in section 15.0575.

Sec. 15. TACIP BOARD, ABOLISHMENT; TRANSFER OF DUTIES.

The telecommunications access for communication-impaired persons board is abolished. The responsibilities of the board are transferred to the departments of public service and human services pursuant to Minnesota Statutes, section 15.039, and sections 1 to 13, except that section 15.039, subdivision 7, applies only to the classified positions.

Sec. 16. REPORT.

New language is indicated by underline, deletions by ~~strikeout~~.

The department of public service shall make a report to the legislature by February 15, 1997, comparing:

(1) the telecommunication relay system management performance of the telecommunication access for communication-impaired persons board and the system's relay operator for 1994; and

(2) the telecommunication relay system management performance of the department of public service and the system's relay operator for 1996.

Sec. 17. **REPEALER.**

Minnesota Statutes 1994, sections 237.50, subdivision 2; 237.51, subdivisions 2, 3, 4, and 6; and 237.54, subdivision 1, are repealed.

Sec. 18. **EFFECTIVE DATE.**

This act is effective July 1, 1995.

Presented to the governor May 17, 1995

Signed by the governor May 19, 1995, 2:40 p.m.

CHAPTER 191—S.F.No. 1173

An act relating to telecommunications; regulating the sale of local exchange service territory; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Section 1. **[237.231] SALE OF LOCAL EXCHANGE SERVICE.**

Subdivision 1. COMMISSION APPROVAL. A Class A telephone company may not sell a local exchange service territory without receiving the prior consent of the commission. For the purposes of this section, a Class A telephone company is a telephone company which has annual revenues from regulated telecommunication operations of \$100,000,000 or more, as defined by the Federal Communications Commission in Code of Federal Regulations, title 47, section 32.11, paragraphs (a)(1) and (e).

Subd. 2. NOTICE OF INTENDED SALE. At least 90 days prior to applying to the commission for consent to a proposed sale or acquisition of a local exchange service, the selling telephone company must provide notice to its customers in that local exchange of its intent to sell and identify the affected local exchange, and the name of the proposed buyer. The notice must be on a separate document and included in the company's monthly billings to customers. The commission must approve the form of all notices.

New language is indicated by underline, deletions by ~~strikeout~~.