

2 **ESHB 2769** - S COMM AMD
3 By Committee on Energy & Utilities

4
5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature finds that the state of
8 Washington has shown national leadership in providing
9 telecommunications access for the hearing impaired and speech impaired
10 communities. The legislature further finds that the federal Americans
11 with disabilities act required states to further enhance
12 telecommunications access for disabled persons and that the state
13 should be positioned to allow this service to be delivered with
14 fairness, flexibility, and efficiency."

15 "Sec. 2. RCW 43.20A.720 and 1990 c 89 s 2 are each amended to read
16 as follows:

17 "Hearing impaired" means those persons who are certified to be
18 deaf, deaf-blind, or hard of hearing, and those persons who are
19 certified to have a hearing disability limiting their access to
20 telecommunications.

21 "Speech impaired" means persons who are certified to be unable to
22 speak or who are certified to have a speech impairment limiting their
23 access to telecommunications.

24 "Text telephone (TT)," formerly known as a telecommunications
25 device for the deaf (TDD)((~~TT~~)) means a ((~~teletypewriter~~))
26 telecommunications device that has a typewriter or computer keyboard
27 and a readable display that couples with the telephone, allowing

1 messages to be typed rather than spoken. The device allows a person to
2 make a telephone call directly to another person possessing similar
3 equipment. The conversation is typed through one machine to the other
4 machine instead of spoken.

5 "~~((TDD))~~ Telecommunications relay (~~((system))~~) service (TRS)" is a
6 service for hearing and speech impaired people who have a ~~((TDD))~~ TT to
7 call someone who does not have a ~~((TDD))~~ TT or vice versa. The service
8 consists of several telephones being utilized by ~~((TDD-relay-service~~
9 ~~operators))~~ TRS communications assistants who receive either ~~((TDD))~~ TT
10 or voice phone calls. If a ~~((TDD-relay-service-operator))~~ TRS
11 communications assistant receives a phone call from a hearing or speech
12 impaired person wishing to call a hearing person, the operator will
13 call the hearing person and act as an intermediary by translating what
14 is displayed on the ~~((TDD))~~ TT to voice and typing what is voiced into
15 the ~~((TDD))~~ TT to be read by the hearing or speech impaired caller.
16 This process can also be reversed with a hearing person calling a deaf
17 person through the ~~((TDD))~~ telecommunications relay service. "TRS
18 program" as used in this chapter includes both the relay function and
19 TTs.

20 "Qualified trainer" is a person who is knowledgeable about ~~((TDDs))~~
21 TTs, signal devices, and amplifying accessories; familiar with the
22 technical aspects of equipment designed to meet hearing impaired
23 people's needs; and is fluent in American sign language.

24 "Qualified contractor" shall have ~~((bilingual))~~ staff bilingual in
25 American sign language and standard English available for quality
26 language/cultural interpretations; quality training of operators; and
27 policies, training, and operational procedures to be determined by the
28 office.

29 "The department" means the department of social and health services
30 of the state of Washington.

1 "Office" means the office of deaf services within the state
2 department of social and health services."

3 "Sec. 3. RCW 43.20A.725 and 1990 c 89 s 3 are each amended to read
4 as follows:

5 (1) The department shall maintain a program whereby ((TDDs)) TTs,
6 signal devices, a ((TDD-relay-system)) TRS, and amplifying accessories
7 capable of serving the needs of the hearing and speech impaired shall
8 be provided at no charge additional to the basic exchange rate, to an
9 individual of school age or older, (a) who is certified as hearing
10 impaired by a licensed physician, audiologist, or a qualified state
11 agency, and to any subscriber that is an organization representing or
12 serving the hearing impaired, as determined and specified by the
13 ((TDD)) TRS program advisory committee; or (b) who is certified as
14 speech impaired by a licensed physician, speech pathologist, or a
15 qualified state agency, and to any subscriber that is an organization
16 representing the speech impaired, as determined and specified by the
17 ((TDD)) TRS program advisory committee. For the purpose of this
18 section, certification implies that individuals cannot use the
19 telephone for expressive or receptive communications due to hearing or
20 speech impairment.

21 (2) The office shall award contracts on a competitive basis, to
22 qualified persons for which eligibility to contract is determined by
23 the office, for the distribution and maintenance of such ((TDDs)) TTs,
24 signal devices, and amplifying accessories as shall be determined by
25 the office. When awarding such contracts, the office may consider the
26 quality of equipment and, with the director's approval, may award
27 contracts on a basis other than cost. Such contracts ((shall)) may
28 include a provision for the employment and use of a qualified trainer
29 and the training of recipients in the use of such devices.

1 (3) The office shall establish and implement a policy for the
2 ultimate responsibility for recovery of (~~TDDs~~) TTs, signal devices,
3 and amplifying accessories from recipients who are moving from this
4 state or who for other reasons are no longer using them.

5 (4) Pursuant to recommendations of the (~~TDD~~) TRS program advisory
6 committee, until July 26, 1993, the office shall maintain a program
7 whereby a relay system will be provided state-wide using operator
8 intervention to connect hearing impaired and speech impaired persons
9 and offices or organizations representing the hearing impaired and
10 speech impaired, as determined and specified by the (~~TDD~~) TRS program
11 advisory committee pursuant to RCW 43.20A.730. The relay system shall
12 be the most cost-effective possible and shall operate in a manner
13 consistent with federal requirements for such systems.

14 (5) Pursuant to the recommendations of the TDD task force report of
15 December 1991, and with the express purpose of maintaining state
16 control and jurisdiction, the office shall seek certification by the
17 federal communications commission of the state-wide relay service.

18 (6) The office shall award contracts for the operation and
19 maintenance of the state-wide relay service. The initial contract
20 shall be for service commencing July 26, 1993. The contract shall be
21 awarded to an individual company registered as a telecommunications
22 company by the utilities and transportation commission, to a group of
23 registered telecommunications companies, or to any other company or
24 organization determined by the office as qualified to provide relay
25 services, contingent upon that company or organization being approved
26 as a registered telecommunications company prior to final contract
27 approval.

28 (7) The program shall be funded by a telecommunications (~~devices~~
29 ~~for the deaf (TDD))~~ relay service (TRS) excise tax applied to each
30 switched access line provided by the local exchange companies. The

1 office shall determine, in consultation with the ((TDD)) TRS program
2 advisory committee, the amount of money needed to fund the program on
3 an annual basis, including both operational costs and a reasonable
4 amount for capital improvements such as equipment upgrade and
5 replacement. That information shall be given by the department in an
6 annual budget to the utilities and transportation commission no later
7 than March 1 prior to the beginning of the fiscal year. The utilities
8 and transportation commission shall then determine the amount of TDD
9 excise tax to be placed on each access line and shall inform each local
10 exchange company of this amount no later than May 15. The utilities
11 and transportation commission shall determine the amount of TRS excise
12 tax by dividing the total of the program budget, as submitted by the
13 office, by the total number of access lines, and shall not exercise any
14 further oversight of the program under this subsection. The ((TDD))
15 TRS excise tax shall not exceed ten cents per month per access line.
16 Each local exchange company shall impose the amount of excise tax
17 determined by the commission as of July 1, and shall remit the amount
18 collected directly to the department on a monthly basis. The ((TDD))
19 TRS excise tax shall be separately identified on each ratepayer's bill
20 ((as "Telecommunications devices funds for deaf and hearing
21 impaired"))). All proceeds from the ((TDD)) TRS excise tax shall be put
22 into a fund to be administered by the office through the department.

23 ((+6)) (8) The office shall administer and control the award of
24 money to all parties incurring costs in implementing and maintaining
25 telecommunications services, programs, equipment, and technical support
26 services in accordance with ((the provisions of RCW 43.20A.725)) this
27 section.

28 ((+7)) (9) The department shall provide the legislature with a
29 biennial report on the operation of the program. The first report
30 shall be provided no later than December 1, 1990, and successive

1 reports every two years thereafter. Reports shall be prepared in
2 consultation with the ((TDD)) TRS program advisory committee and the
3 utilities and transportation commission. The reports shall, at a
4 minimum, briefly outline the accomplishments of the program, the number
5 of persons served, revenues and expenditures, the prioritizing of
6 services to those eligible based on such factors as degree of physical
7 handicap or the allocation of the program's revenue between provision
8 of devices to individuals and operation of the state-wide relay
9 service, other major policy or operational issues, and proposals for
10 improvements or changes for the program. The first report shall
11 contain a study which includes examination of like programs in other
12 states, alternative methods of financing the program, alternative
13 methods of using the telecommunications system, advantages and
14 disadvantages of operating the TDD program from within the department,
15 by telecommunications companies, and by a private, nonprofit
16 corporation, and means to limit demand for system usage.

17 ((+8)) (10) The program shall be consistent with the requirements
18 of federal law for the operation of both interstate and intrastate
19 telecommunications services for the deaf or hearing impaired or speech
20 impaired. The department and the utilities and transportation
21 commission shall be responsible for ensuring compliance with federal
22 requirements and shall provide timely notice to the legislature of any
23 legislation that may be required to accomplish compliance."

24 "Sec. 4. RCW 43.20A.730 and 1990 c 89 s 4 are each amended to read
25 as follows:

26 (1) The department advisory committee on deafness shall establish
27 a ((TDD)) TRS program advisory committee to oversee operation of the
28 ((TDD)) TRS program. The ((TDD)) TRS program advisory committee shall
29 consist of no more than thirteen individuals representing the hearing

1 impaired and speech impaired communities, the department, the utilities
2 and transportation commission, agencies and services serving the
3 hearing impaired and speech impaired, and local exchange companies in
4 the state. The membership on the ((TDD)) TRS program advisory
5 committee shall, to the maximum extent possible, include
6 representatives from (a) the major state-wide organizations
7 representing the hearing impaired and speech impaired, (b)
8 organizations for the hearing impaired and speech impaired located in
9 areas of the state with high populations of such persons, and (c)
10 organizations that reflect the different geographic regions of the
11 state. In order to develop, implement, and maintain a state-wide relay
12 system providing cost-effective relay centers at a reasonable cost and
13 that will meet the requirements of the hearing impaired and speech
14 impaired, the ((TDD)) TRS program advisory committee shall investigate
15 options, conduct public hearings as needed to determine the most cost-
16 effective method of operating a state-wide relay system providing relay
17 centers to the hearing impaired and speech impaired, and solicit the
18 advice, counsel, and assistance of interested parties and nonprofit
19 consumer organizations for hearing impaired and speech impaired persons
20 state-wide. The ((TDD)) TRS program advisory committee shall also, in
21 conjunction with the department, monitor the activities and moneys that
22 are being spent by the department for the program herein.

23 (2) The TRS program advisory committee shall provide reports at
24 least four times per year to the administrators and operators of the
25 TRS state-wide relay service. The committee shall report on the extent
26 to which the relay system is meeting the needs of disabled citizens in
27 the state, and shall include program elements that are successful,
28 program elements in need of improvement, and any recommendations from
29 the committee.

1 (3) The ((FDD)) TRS program advisory committee shall establish
2 criteria and specify state-wide organizations representing the hearing
3 or speech impaired meeting such criteria that are to receive
4 telecommunications devices pursuant to RCW 43.20A.725(1), and in which
5 offices the equipment shall be installed if an organization has more
6 than one office."

7 "NEW SECTION. Sec. 5. A new section is added to chapter 80.36 RCW
8 to read as follows:

9 Each telecommunications company providing intrastate interexchange
10 voice transmission service shall offer discounts from otherwise
11 applicable long distance rates for service used in conjunction with the
12 state-wide relay service authorized under RCW 43.20A.725. Such long
13 distance discounts shall be determined in relation to the additional
14 time required to translate calls through relay operators. In the case
15 of intrastate long distance services provided pursuant to tariff, the
16 commission shall require the incorporation of such discounts."

17 "NEW SECTION. Sec. 6. If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected."

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24 On page 1, line 1 of the title, after "service;" strike the
25 remainder of the title and insert "amending RCW 43.20A.720, 43.20A.725,
26 and 43.20A.730; adding a new section to chapter 80.36 RCW; and creating
27 a new section."