
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2382.1/01

ATTY/TYPIST: SCG:rmh

BRIEF DESCRIPTION:

2 SSB 5875 - H COMM AMD

3 By Committee on Children & Family Services

4

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

7 "Sec. 1. RCW 43.20A.720 and 1992 c 144 s 2 are each amended to
8 read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this section and RCW 43.20A.725.

11 (1) "Hearing impaired" means those persons who are certified to be
12 deaf, deaf-blind, or hard of hearing, and those persons who are
13 certified to have a hearing disability limiting their access to
14 telecommunications.

15 (2) "Speech impaired" means persons who are certified to be unable
16 to speak or who are certified to have a speech impairment limiting
17 their access to telecommunications.

18 (~~"Text telephone (TT)," formerly known as a telecommunications~~
19 ~~device for the deaf (TDD) means a telecommunications device that has a~~
20 ~~typewriter or computer keyboard and a readable display that couples~~
21 ~~with the telephone, allowing messages to be typed rather than spoken.~~
22 ~~The device allows a person to make a telephone call directly to another~~
23 ~~person possessing similar equipment. The conversation is typed through~~
24 ~~one machine to the other machine instead of spoken.~~

25 ~~"Telecommunications relay service (TRS)" is a service for hearing~~
26 ~~and speech impaired people who have a TT to call someone who does not~~
27 ~~have a TT or vice versa. The service consists of several telephones~~
28 ~~being utilized by TRS communications assistants who receive either TT~~
29 ~~or voice phone calls. If a TRS communications assistant receives a~~
30 ~~phone call from a hearing or speech impaired person wishing to call a~~
31 ~~hearing person, the operator will call the hearing person and act as an~~
32 ~~intermediary by translating what is displayed on the TT to voice and~~
33 ~~typing what is voiced into the TT to be read by the hearing or speech~~
34 ~~impaired caller. This process can also be reversed with a hearing~~
35 ~~person calling a deaf person through the telecommunications relay~~

1 service. — "TRS program" as used in this chapter includes both the relay
2 function and TTs.

3 "Qualified trainer" is a person who is knowledgeable about TTs,
4 signal devices, and amplifying accessories; familiar with the technical
5 aspects of equipment designed to meet hearing impaired people's needs;
6 and is fluent in American sign language.

7 "Qualified contractor" shall have staff bilingual in American sign
8 language and standard English available for quality language/cultural
9 interpretations; quality training of operators; and policies, training,
10 and operational procedures to be determined by the office.

11 "The department" means the department of social and health services
12 of the state of Washington.))

13 (3) "Department" means the department of social and health
14 services.

15 (4) "Office" means the office of deaf ((services)) and hard of
16 hearing within the state department of social and health services.

17 **Sec. 2.** RCW 43.20A.725 and 1998 c 245 s 59 are each amended to
18 read as follows:

19 (1) The department, through the sole authority of the office or its
20 successor organization, shall maintain a program whereby ((TTs, signal
21 devices, and amplifying accessories capable of serving the needs of the
22 hearing and speech impaired shall be provided under the standards
23 established in subsection (10) of this section to)) an individual of
24 school age or older((:

25 (a) Who is certified as hearing impaired by a licensed physician,
26 audiologist, or a qualified state agency, and to any subscriber that is
27 an organization representing the hearing impaired, as determined and
28 specified by the TRS program advisory committee; or

29 (b) Who is certified as speech impaired by a licensed physician,
30 speech pathologist, or a qualified state agency, and to any subscriber
31 that is an organization representing the speech impaired, as determined
32 and specified by the TRS program advisory committee.

33 For the purpose of this section, certification implies that
34 individuals cannot use the telephone for expressive or receptive
35 communications due to hearing or speech impairment.

36 (2) The office shall award contracts on a competitive basis, to
37 qualified persons for which eligibility to contract is determined by
38 the office, for the distribution and maintenance of such TTs, signal

1 devices, and amplifying accessories as shall be determined by the
2 office. When awarding such contracts, the office may consider the
3 quality of equipment and, with the director's approval, may award
4 contracts on a basis other than cost. Such contracts may include a
5 provision for the employment and use of a qualified trainer and the
6 training of recipients in the use of such devices.

7 (3) The office shall establish and implement a policy for the
8 ultimate responsibility for recovery of TTs, signal devices, and
9 amplifying accessories from recipients who have been provided with the
10 equipment without cost and who are moving from this state or who for
11 other reasons are no longer using them.

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

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

25 (6) The office shall award contracts for the operation and
26 maintenance of the state-wide relay service. The initial contract
27 shall be for service commencing on or before July 26, 1993.)) who
28 possesses a hearing or speech impairment is provided with
29 telecommunications equipment, software, and/or peripheral devices,
30 digital or otherwise, that is determined by the office to be necessary
31 for such a person to access and use telecommunications transmission
32 services effectively.

33 (2) The department, through the sole authority of the office or its
34 successor organization, shall maintain a program where
35 telecommunications relay services of a human or electronic nature will
36 be provided to connect hearing impaired, deaf-blind, or speech impaired
37 persons with persons who do not have a hearing or speech impairment.
38 Such telecommunications relay services shall provide the ability for an
39 individual who has a hearing or speech impairment to engage in voice,

1 tactile, or visual communication by wire or radio with a hearing
2 individual in a manner that is functionally equivalent to the ability
3 of an individual who does not have a hearing or speech impairment to
4 communicate using voice or visual communication services by wire or
5 radio subject to subsection (4)(b) of this section.

6 (3) The telecommunications relay service and equipment distribution
7 program may operate in such a manner as to provide communications
8 transmission opportunities that are capable of incorporating new
9 technologies that have demonstrated benefits consistent with the intent
10 of this chapter and are in the best interests of the citizens of this
11 state.

12 (4) The office shall administer and control the award of money to
13 all parties incurring costs in implementing and maintaining
14 telecommunications services, programs, equipment, and technical support
15 services according to this section. The relay service contract shall
16 be awarded to an individual company registered as a telecommunications
17 company by the utilities and transportation commission, to a group of
18 registered telecommunications companies, or to any other company or
19 organization determined by the office as qualified to provide relay
20 services, contingent upon that company or organization being approved
21 as a registered telecommunications company prior to final contract
22 approval. The relay system providers and telecommunications equipment
23 vendors shall be selected on the basis of cost-effectiveness and
24 utility to the greatest extent possible under the program and technical
25 specifications established by the office.

26 (a) To the extent funds are available under the then-current rate
27 and not otherwise held in reserve or required for other purposes
28 authorized by this chapter, the office may award contracts for
29 communications and related services and equipment for hearing impaired
30 or speech impaired individuals accessing or receiving services provided
31 by, or contracted for, the department to meet access obligations under
32 Title 2 of the federal Americans with disabilities act or related
33 federal regulations.

34 (b) The office shall perform its duties under this section with the
35 goal of achieving functional equivalency of access to and use of
36 telecommunications services similar to the enjoyment of access to and
37 use of such services experienced by an individual who does not have a
38 hearing or speech impairment only to the extent that funds are

1 available under the then-current rate and not otherwise held in reserve
2 or required for other purposes authorized by this chapter.

3 ~~((7))~~ (5) The program shall be funded by a telecommunications
4 relay service (TRS) excise tax applied to each switched access line
5 provided by the local exchange companies. The office shall determine,
6 in consultation with the ~~((TRS))~~ office's program advisory committee,
7 the budget needed to fund the program on an annual basis, including
8 both operational costs and a reasonable amount for capital improvements
9 such as equipment upgrade and replacement. The budget proposed by the
10 office, together with documentation and supporting materials, shall be
11 submitted to the office of financial management for review and
12 approval. The approved budget shall be given by the department in an
13 annual budget to the utilities and transportation commission no later
14 than March 1 prior to the beginning of the fiscal year. The utilities
15 and transportation commission shall then determine the amount of
16 ~~((TRS))~~ telecommunications relay service excise tax to be placed on
17 each access line and shall inform each local exchange company of this
18 amount no later than May 15. The utilities and transportation
19 commission shall determine the amount of ~~((TRS))~~ telecommunications
20 relay service excise tax by dividing the total of the program budget,
21 as submitted by the office, by the total number of access lines, and
22 shall not exercise any further oversight of the program under this
23 subsection. The ~~((TRS))~~ telecommunications relay service excise tax
24 shall not exceed nineteen cents per month per access line. Each local
25 exchange company shall impose the amount of excise tax determined by
26 the commission as of July 1, and shall remit the amount collected
27 directly to the department on a monthly basis. The ~~((TRS))~~
28 telecommunications relay service excise tax shall be separately
29 identified on each ratepayer's bill with the following statement:
30 "Funds federal ADA requirement." All proceeds from the ~~((TRS))~~
31 telecommunications relay service excise tax shall be put into a fund to
32 be administered by the office through the department.

33 ~~((8) The office shall administer and control the award of money to~~
34 ~~all parties incurring costs in implementing and maintaining~~
35 ~~telecommunications services, programs, equipment, and technical support~~
36 ~~services in accordance with the provisions of RCW 43.20A.725.~~

37 ~~(9) The program shall be~~) (6) The telecommunications relay service
38 program and equipment vendors shall provide services and equipment
39 consistent with the requirements of federal law for the operation of

1 both interstate and intrastate telecommunications services for the
2 ((deaf or)) hearing impaired or speech impaired. The department and
3 the utilities and transportation commission shall be responsible for
4 ensuring compliance with federal requirements and shall provide timely
5 notice to the legislature of any legislation that may be required to
6 accomplish compliance.

7 ~~((10)(a) The department shall provide TTs, signal devices, and~~
8 ~~amplifying accessories to a person eligible under subsection (1) of~~
9 ~~this section at no charge in addition to the basic exchange rate if:~~

10 ~~(i) The person is eligible for participation in the Washington~~
11 ~~telephone assistance program under RCW 80.36.470;~~

12 ~~(ii) The person's annual family income is equal to or less than one~~
13 ~~hundred sixty five percent of the federal poverty level; or~~

14 ~~(iii) The person is a child eighteen years of age or younger with~~
15 ~~a family income less than or equal to two hundred percent of the~~
16 ~~federal poverty level.~~

17 ~~(b) A person eligible under subsection (1) of this section with a~~
18 ~~family income greater than one hundred sixty five percent and less than~~
19 ~~or equal to two hundred percent of the federal poverty level shall be~~
20 ~~assessed a charge for the cost of TTs, signal devices, and amplifying~~
21 ~~accessories based on a sliding scale of charges established by rule~~
22 ~~adopted by the department.~~

23 ~~(c) The department shall charge a person eligible under subsection~~
24 ~~(1) of this section whose income exceeds two hundred percent of the~~
25 ~~federal poverty level the cost to the department of purchasing the~~
26 ~~equipment provided to that person.~~

27 ~~(d) The department may waive part or all of the charges assessed~~
28 ~~under this subsection if the department finds that (i) the eligible~~
29 ~~person requires telebraille equipment or other equipment of similar~~
30 ~~cost and (ii) the charges normally assessed for the equipment under~~
31 ~~this subsection would create an exceptional or undue hardship on the~~
32 ~~eligible person.~~

33 ~~(e) For the purposes of this subsection, certification of family~~
34 ~~income by the eligible person or the person's guardian or head of~~
35 ~~household is sufficient to determine eligibility.))~~

36 (7) The department shall adopt rules establishing eligibility
37 criteria, ownership obligations, financial contributions, and a program
38 for distribution to individuals requesting and receiving such
39 telecommunications devices distributed by the office, and other rules

1 necessary to administer programs and services consistent with this
2 chapter."

3 Correct the title.

--- **END** ---