

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1723

Introduced by Committee on Utilities and Commerce (Wright (Chair), Pescetti (Vice Chair), John Campbell, Canciamilla, Cardenas, Diaz, Jackson, Maddox, Nation, Papan, Reyes, and Wesson)

March 15, 2001

An act to amend Sections 278 and 2881 of the Public Utilities Code, relating to public utilities, and making an appropriation therefor. An act to amend Section 19325 of, and to add Section 19325.1 to, the Education Code, relating to the State Library, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1723, as amended, Committee on Utilities and Commerce. *Public utilities State Library*: telephonic reading systems.

~~Existing law requires the Public Utilities Commission to establish a rate recovery mechanism through a surcharge on intrastate telephone service to recover the costs for providing telecommunications devices capable of serving the needs of the deaf, hearing impaired, and disabled. The Public Utilities Act establishes the Deaf and Disabled Telecommunications Program Administrative Committee to advise the commission regarding the development, implementation, and administration of these programs and the Deaf and Disabled~~

~~Telecommunications Program Administrative Committee Fund as a repository for the funds collected by the surcharge.~~

~~The bill would require the commission to also design and implement, on or before July 1, 2002, a program to provide toll-free access throughout California to telephonic reading systems for citizens with print disabilities, at no charge additional to the basic exchange rate. The bill would authorize any agency, instrumentality, or political subdivision of this state, or any nonprofit organization doing business in this state, to apply to the commission for funding to establish and operate a new telephonic reading system, as defined, and for the reimbursement of certain operational costs. The bill would require the administrative committee to issue recommendations to the commission relating to the establishment of new protocols and guidelines, and would require the commission to establish new protocols and guidelines, for telephonic reading systems.~~

Existing law authorizes the State Librarian to provide toll-free telephone services for registered patrons of the federally designated regional libraries for the blind and physically handicapped in order to enable those persons to have direct patron access to library services.

This bill would authorize the State Librarian to provide toll-free telephone access to telephonic reading systems for individuals with print disabilities who are registered patrons of the federally designated regional libraries for the blind and physically handicapped. The bill would authorize the State Librarian to operate a telephonic reading system, as defined, or fund the operation of telephonic reading systems operated by qualifying entities, as defined. The bill would provide funding to establish and implement telephonic reading centers in specified cities, until July 1, 2002, through a one-time allocation of \$2 million from the California Teleconnect Fund Administrative Committee Fund to the California State Library, thereby making an appropriation. The bill would require that any funds appropriated to the California State Library under the bill, which are not encumbered on or before July 1, 2002, revert to the fund.

The bill would make related findings and declarations.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Thousands of California citizens have disabilities that prevent them from directly accessing conventional print material due to visual impairments, dyslexia, and orthopedic disabilities, which prevent the physical manipulation of print materials.

(b) For decades there have been governmental and nonprofit organizations dedicated to providing access to reading materials on a wide variety of subjects by way of Braille, large print, or audio tape recordings.

(c) Access to time-sensitive or local or regional publications, or both, is not feasible to produce through these traditional means and formats.

(d) Lack of direct and prompt access to these materials, such as newspapers, magazines, newsletters, broadcast media schedules, and other time-sensitive materials has a detrimental effect on the educational opportunities, literacy, and opportunity for full participation in governmental and community forums by people with print disabilities.

(e) The California State Library, through the leadership of State Librarian Dr. Kevin Starr, has caused to be established in five locations throughout California high technology systems that provide access to previously inaccessible material by use of a standard telephone.

(f) These telephonic reading systems are currently underutilized because they are capable of serving many more people than can call without incurring long distance telephone charges.

(g) It is not cost-effective to establish the hundreds of locations necessary to give print disabled Californians local telephone call access to those locations.

(h) Toll-free access to current and future telephonic reading systems operated by governmental or nonprofit organizations in California will provide meaningful access to this important print material for all Californians with print disabilities.

SEC. 2. This bill may be known and shall be cited as the Kevin Starr Access to Information Act of 2001.

1 ~~SEC. 3.—Section 278 of the Public Utilities Code is amended~~
2 ~~to read:~~

3 ~~278.—(a) (1) There is hereby created the Deaf and Disabled~~
4 ~~Telecommunications Program Administrative Committee, which~~
5 ~~is an advisory board to advise the commission regarding the~~
6 ~~development, implementation, and administration of programs to~~
7 ~~provide specified telecommunications services and equipment to~~
8 ~~persons in this state who are deaf, disabled, or print disabled, as~~
9 ~~provided for in Sections 2881, 2881.1, and 2881.2, and to carry out~~
10 ~~the programs pursuant to the commission's direction, control, and~~
11 ~~approval.~~

12 ~~(2) In addition to the membership qualifications established by~~
13 ~~the commission pursuant to subdivision (a) of Section 271, the~~
14 ~~commission shall establish qualifications for persons to serve as~~
15 ~~members of the Deaf and Disabled Telecommunications Program~~
16 ~~Administrative Committee to achieve appropriate representation~~
17 ~~by the consumers of telecommunications services for the deaf and~~
18 ~~disabled.~~

19 ~~(b) All revenues collected by telephone corporations in rates~~
20 ~~authorized by the commission to fund the programs specified in~~
21 ~~subdivision (a) shall be submitted to the commission pursuant to~~
22 ~~a schedule established by the commission. The commission shall~~
23 ~~transfer the moneys received to the Controller for deposit in the~~
24 ~~Deaf and Disabled Telecommunications Program Administrative~~
25 ~~Committee Fund. All interest earned by moneys in the fund shall~~
26 ~~be deposited in the fund. Any unexpended revenues collected prior~~
27 ~~to the operative date of this section shall be submitted to the~~
28 ~~commission, and the commission shall transfer those moneys to~~
29 ~~the Controller for deposit in the Deaf and Disabled~~
30 ~~Telecommunications Program Administrative Committee Fund.~~
31 ~~In addition, those revenues that are collected pursuant to~~
32 ~~subdivision (d) of Section 2881 shall be accounted for separately,~~
33 ~~as required by subdivision (b) of Section 2881.2, and deposited in~~
34 ~~the fund created by the commission pursuant to subdivision (b) of~~
35 ~~Section 2881.2.~~

36 ~~(c) Moneys appropriated from the Deaf and Disabled~~
37 ~~Telecommunications Program Administrative Committee Fund to~~
38 ~~the commission shall be utilized exclusively by the commission~~
39 ~~for the program specified in subdivision (a), including all costs of~~

1 the board and the commission associated with the administration
2 and oversight of the program and the fund.

3 SEC. 4. ~~Section 2881 of the Public Utilities Code is amended~~
4 ~~to read:~~

5 ~~2881. (a) The commission shall design and implement a~~
6 ~~program to provide a telecommunications device capable of~~
7 ~~serving the needs of individuals who are deaf or hearing impaired,~~
8 ~~together with a single party line, at no charge additional to the basic~~
9 ~~exchange rate, to any subscriber who is certified as an individual~~
10 ~~who is deaf or hearing impaired by a licensed physician and~~
11 ~~surgeon, audiologist, or a qualified state or federal agency, as~~
12 ~~determined by the commission, and to any subscriber that is an~~
13 ~~organization representing individuals who are deaf or hearing~~
14 ~~impaired, as determined and specified by the commission pursuant~~
15 ~~to subdivision (c). A licensed hearing aid dispenser may certify the~~
16 ~~need of an individual to participate in the program if that~~
17 ~~individual has been previously fitted with an amplified device by~~
18 ~~the dispenser and the dispenser has the individual's hearing~~
19 ~~records on file prior to certification.~~

20 ~~(b) The commission shall also design and implement a program~~
21 ~~to provide a dual-party relay system, using third-party intervention~~
22 ~~to connect individuals who are deaf or hearing impaired and~~
23 ~~offices of organizations representing individuals who are deaf or~~
24 ~~hearing impaired, as determined and specified by the commission~~
25 ~~pursuant to subdivision (c), with persons of normal hearing by way~~
26 ~~of intercommunications devices for individuals who are deaf or~~
27 ~~hearing impaired and the telephone system, making available~~
28 ~~reasonable access of all phases of public telephone service to~~
29 ~~telephone subscribers who are deaf or hearing impaired. In order~~
30 ~~to make a dual-party relay system that will meet the requirements~~
31 ~~of individuals who are deaf or hearing impaired available at a~~
32 ~~reasonable cost, the commission shall initiate an investigation,~~
33 ~~conduct public hearings to determine the most cost-effective~~
34 ~~method of providing dual-party relay service to the deaf or hearing~~
35 ~~impaired when using a telecommunications device, and solicit the~~
36 ~~advice, counsel, and physical assistance of statewide nonprofit~~
37 ~~consumer organizations of the deaf, during the development and~~
38 ~~implementation of the system. The commission shall phase in this~~
39 ~~program, on a geographical basis, over a three-year period ending~~
40 ~~on January 1, 1987. The commission shall apply for certification~~

~~of this program under rules adopted by the Federal Communications Commission pursuant to Section 401 of the Americans with Disabilities Act of 1990 (Public Law 101-336).~~

~~(c) The commission shall also design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled at no charge additional to the basic exchange rate. The certification, including a statement of medical need for specialized telecommunications equipment, shall be provided by a licensed physician and surgeon acting within the scope of practice of his or her license, or by a qualified state or federal agency as determined by the commission. The commission shall, in this connection, study the feasibility of, and implement, if determined to be feasible, personal income criteria, in addition to the certification of disability, for determining a subscriber's eligibility under this subdivision.~~

~~(d) The commission shall establish a rate recovery mechanism through a surcharge not to exceed one-half of 1 percent uniformly applied to a subscriber's intrastate telephone service, other than one-way radio paging service and universal telephone service, both within a service area and between service areas, to allow providers of the equipment and service specified in subdivisions (a), (b), and (c), to recover costs as they are incurred under this section. The surcharge shall be in effect until January 1, 2001. The commission shall require that the programs implemented under this section be identified on subscribers' bills, and shall establish a fund and require separate accounting for each of the programs implemented under this section.~~

~~(e) The commission shall determine and specify those statewide organizations representing the deaf or hearing impaired which shall receive a telecommunications device pursuant to subdivision (a) or a dual-party relay system pursuant to subdivision (b), or both, and in which offices the equipment shall be installed in the case of an organization having more than one office.~~

~~(f) The commission may direct any telephone corporation subject to its jurisdiction to comply with its determinations and specifications pursuant to this section.~~

~~(g) The commission shall annually review the surcharge level and the balances in the funds established pursuant to subdivision~~

1 ~~(d). Until January 1, 2001, the commission shall be authorized to~~
2 ~~make, within the limits set by subdivision (d), any necessary~~
3 ~~adjustments to the surcharge to ensure that the programs supported~~
4 ~~thereby are adequately funded and that the fund balances are not~~
5 ~~excessive. A fund balance which is projected to exceed six~~
6 ~~months' worth of projected expenses at the end of the fiscal year~~
7 ~~is excessive.~~

8 ~~(h) The commission shall prepare and submit to the~~
9 ~~Legislature, on or before December 31, 1988, and annually~~
10 ~~thereafter, a report on the fiscal status of the programs established~~
11 ~~and funded pursuant to this section and Sections 2881.1 and~~
12 ~~2881.2. The report shall include a statement of the surcharge level~~
13 ~~established pursuant to subdivision (d) and revenues produced by~~
14 ~~the surcharge, an accounting of program expenses, and an~~
15 ~~evaluation of options for controlling those expenses and~~
16 ~~increasing program efficiency, including, but not limited to, all of~~
17 ~~the following proposals:~~

18 ~~(1) The establishment of a means test for persons to qualify for~~
19 ~~program equipment or free or reduced charges for the use of~~
20 ~~telecommunication services.~~

21 ~~(2) If, and to the extent not prohibited under Section 401 of the~~
22 ~~Americans with Disabilities Act of 1990 (Public Law 101-336),~~
23 ~~the imposition of limits or other restrictions on maximum usage~~
24 ~~levels for the relay service, which shall include the development~~
25 ~~of a program to provide basic communications requirements to all~~
26 ~~relay users at discounted rates, including discounted toll call rates,~~
27 ~~and, for usage in excess of those basic requirements, at rates which~~
28 ~~recover the full costs of service.~~

29 ~~(3) More efficient means for obtaining and distributing~~
30 ~~equipment to qualified subscribers.~~

31 ~~(4) The establishment of quality standards for increasing the~~
32 ~~efficiency of the relay system.~~

33 ~~(i) In order to continue to meet the access needs of individuals~~
34 ~~with functional limitations of hearing, vision, movement,~~
35 ~~manipulation, speech and interpretation of information, the~~
36 ~~commission shall perform ongoing assessment of, and if~~
37 ~~appropriate, expand the scope of the program to allow for~~
38 ~~additional access capability consistent with evolving~~
39 ~~telecommunications technology.~~

1 ~~(j) (1) The commission shall also design and implement, on or~~
2 ~~before July 1, 2002, a program to provide toll-free access~~
3 ~~throughout California to telephonic reading systems for citizens~~
4 ~~with print disabilities, at no charge additional to the basic exchange~~
5 ~~rate. The commission shall establish a system whereby a single~~
6 ~~toll-free telephone number is used to access all telephonic reading~~
7 ~~systems, with the caller selecting the desired system by choosing~~
8 ~~among menu items provided at the beginning of each call. Each~~
9 ~~telephonic reading system shall provide access with the use of~~
10 ~~individual passwords issued only to persons who are eligible under~~
11 ~~the criteria established by the National Library Service for the~~
12 ~~Blind and Physically Handicapped, Library of Congress, as~~
13 ~~authorized by Section 135a of Title 2 of the United States Code,~~
14 ~~and as described in Section 701.10 of Title 36 of the Code of~~
15 ~~Federal Regulations. The operator of each telephonic reading~~
16 ~~system shall provide for the issuance of passwords to those~~
17 ~~individuals who meet the criteria described in this paragraph.~~

18 ~~(2) For purposes of this subdivision “telephonic reading~~
19 ~~system” means a system operated by, or under the control or~~
20 ~~sponsorship of any agency, instrumentality, or political~~
21 ~~subdivision of the State of California, or by any nonprofit~~
22 ~~organization doing business in this state, whereby the caller can~~
23 ~~hear the reading of material such as newspapers, magazines,~~
24 ~~newsletters, broadcast media schedules, transit route and schedule~~
25 ~~information, and other reference or time sensitive materials as~~
26 ~~determined by the operator of the system.~~

27 ~~(3) Any agency, instrumentality, or political subdivision of this~~
28 ~~state, or any nonprofit organization doing business in this state,~~
29 ~~may apply to the commission for funding to establish a new~~
30 ~~telephonic reading system, and for the operation of such a system.~~
31 ~~Any agency, instrumentality, or political subdivision of this state~~
32 ~~may apply to the commission for the reimbursement of operational~~
33 ~~costs incurred or expended between October 1, 2001, and July 1,~~
34 ~~2002, for the operation of a telephonic reading system. The~~
35 ~~commission may not authorize reimbursement for operational~~
36 ~~costs that the telephonic reading system paid or could have paid~~
37 ~~from grants or donations that the telephonic reading system~~
38 ~~received, and which grants or donations the grantor specified~~
39 ~~exclusively to fund the expenses for the telephonic reading system.~~

1 ~~(4) Nothing in this subdivision is intended to limit the~~
2 ~~establishment by the commission of other programs or services~~
3 ~~under subdivision (i).~~

4 ~~(5) The Deaf and Disabled Telecommunications Program~~
5 ~~Administrative Committee shall review the guidelines and~~
6 ~~administration of existing telephonic reading systems in this state~~
7 ~~and issue recommendations to the commission relating to the~~
8 ~~establishment of new protocols and guidelines.~~

9 ~~(6) The commission shall establish new protocols and~~
10 ~~guidelines for telephonic reading systems. The protocols should~~
11 ~~consider the cost effectiveness of supporting a particular~~
12 ~~telephonic reading center and the value of its services to~~
13 ~~Californians. The protocols should also consider whether the~~
14 ~~publications the centers make available meet local, regional, and~~
15 ~~foreign language needs of Californians.~~

16 ~~(7) For purposes of this section, any agency, instrumentality, or~~
17 ~~political subdivision of this state, or any nonprofit organization~~
18 ~~doing business in this state, that operates a telephonic reading~~
19 ~~center shall provide the commission with access to their books,~~
20 ~~records, documents, and reports pursuant to Sections 312 to 314,~~
21 ~~inclusive, and Sections 581 to 587, inclusive. Any agency,~~
22 ~~instrumentality, or political subdivision of this state, or nonprofit~~
23 ~~organization doing business in this state, that operates a telephonic~~
24 ~~reading center shall also be subject to the commission's authority~~
25 ~~pursuant to subdivisions (a) and (b) of Section 311.~~

26 ~~(8) The commission may enforce Chapter 11 (commencing~~
27 ~~with Section 2101) of Part 1 regarding violations against any~~
28 ~~agency, instrumentality, or political subdivision of this state, or~~
29 ~~any nonprofit organization doing business in this state that~~
30 ~~operates a telephonic reading center as if that entity were a public~~
31 ~~utility. Notwithstanding the above, nothing in this section shall be~~
32 ~~construed to grant the commission jurisdiction to regulate any~~
33 ~~agency, instrumentality, or political subdivision of this state, or~~
34 ~~any nonprofit organization doing business in this state, that~~
35 ~~operates a telephonic reading system other than as specifically set~~
36 ~~forth in this part.~~

37 ~~(9) The commission shall incur no liability for the content of~~
38 ~~information provided by a telephonic reading system participating~~
39 ~~in the provision of information pursuant to this section.~~

~~(10) The commission shall have full control over the level of funding of the telephonic reading system, and may utilize such measures as it determines to be appropriate to control costs, such as varying the number of available toll-free access lines in order to keep call volume within predetermined fiscal targets.~~

SEC. 3. Section 19325 of the Education Code is amended to read:

19325. The State Librarian may provide toll-free the following:

(a) Toll-free telephone services for registered patrons of the federally designated regional libraries for the blind and physically handicapped, in order to enable those persons to have direct patron access to library services.

(b) Toll-free telephone access to telephonic reading systems for individuals with print disabilities who are registered patrons of the federally designated regional libraries for the blind and physically handicapped.

SEC. 4. Section 19325.1 is added to the Education Code, to read:

19325.1. (a) The State Librarian may operate a telephonic reading system, fund the operation of telephonic reading systems operated by qualifying entities, or both.

(b) As used in this section, the following terms have the following meanings, unless otherwise indicated:

(1) "Telephonic reading system" means a system operated by the State Librarian or a qualifying entity, whereby a caller can hear the reading of material such as newspapers, magazines, newsletters, broadcast media schedules, transit route and schedule information, and other reference or time-sensitive materials, as determined by the operator of the system.

(2) "Qualifying entity" means any agency, instrumentality, or political subdivision of the state or any nonprofit organization whose primary mission is to provide services to people who are blind or visually impaired.

(c) Qualifying entities that were eligible, as of January 1, 2001, to receive funds from the State Librarian relating to the operation of a telephonic reading system may continue to receive funding from the State Librarian.

(d) The State Librarian, in cooperation with qualifying entities, may expand the type and scope of materials available on

1 *telephonic reading systems in order to meet the local, regional, or*
2 *foreign language needs of print-disabled residents of this state.*
3 *The State Librarian may also expand the scope of services and*
4 *availability of telephonic reading services by current methods and*
5 *technologies or by methods and technologies that may be*
6 *developed. The State Librarian may inform current and potential*
7 *patrons of the availability of telephonic reading service through*
8 *appropriate means, including, but not limited to, direct mailings,*
9 *direct telephonic contact, and public service announcements.*

10 *(f) The State Librarian may enter into contracts or other*
11 *agreements that he or she determines to be appropriate to provide*
12 *telephonic reading services pursuant to this section.*

13 SEC. 5. The sum of two million dollars (\$2,000,000) is
14 hereby appropriated from the California Teleconnect Fund
15 Administrative Committee Fund to the California State Library to
16 establish and implement telephonic reading centers in Los
17 Angeles, San Diego, Fresno, San Francisco, and Sacramento, and
18 ~~to provide for the reimbursement specified in paragraph (3) of~~
19 ~~subdivision (j) of Section 2881 of the Public Utilities Code, until~~
20 ~~until July 1, 2002.~~ Any funds appropriated to the California State
21 Library pursuant to this section, which are not encumbered on or
22 before July 1, 2002, shall revert to the California Teleconnect Fund
23 Administrative Committee Fund.

