

ASSEMBLY BILL

No. 2757

**Introduced by Committee on Utilities and Commerce
(Wright (Chair), Pescetti (Vice Chair), Calderon,
Campbell, Mazzoni, Vincent, and Wesson)**

February 25, 2000

An act to amend Sections 278 and 2881 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2757, as introduced, Committee on Utilities and Commerce. Public utilities: telephonic reading system.

(1) 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 established 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.

This bill would require the commission to design and implement, on or before July 1, 2001, a program to provide free access to telephonic reading systems, as defined, for individuals with print disabilities. The bill would also authorize a maximum of 20 percent of the maximum amount

that is subject to collection under the telephone surcharge to be spent on this program. The bill would make related findings and declarations. Because, under the act a violation of its provisions would be a crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

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

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

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

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

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

22 (e) The California State Library, through the
23 leadership of State Librarian Dr. Kevin Starr, has caused
24 to be established in five sites throughout California high

1 technology systems that provide access to such previously
2 inaccessible material by use of a standard telephone.

3 (f) These telephonic reading systems are currently
4 under utilized because they are capable of serving many
5 more people than can call without incurring long
6 distance telephone charges.

7 (g) It is not cost effective to establish the hundreds of
8 sites necessary to give print disabled Californians local
9 telephone call access to such sites.

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

15 SEC. 2. Section 278 of the Public Utilities Code is
16 amended to read:

17 278. (a) (1) There is hereby created the Deaf and
18 Disabled Telecommunications Program Administrative
19 Committee, which is an advisory board to advise the
20 commission regarding the development,
21 implementation, and administration of programs to
22 provide specified telecommunications services and
23 equipment to persons in this state who are ~~deaf or~~
24 ~~disabled~~ *deaf, disabled, or print disabled*, as provided for
25 in Sections 2881, 2881.1, and 2881.2, and to carry out the
26 programs pursuant to the commission's direction, control,
27 and approval.

28 (2) In addition to the membership qualifications
29 established by the commission pursuant to subdivision
30 (a) of Section 271, the commission shall establish
31 qualifications for persons to serve as members of the Deaf
32 and Disabled Telecommunications Program
33 Administrative Committee to achieve appropriate
34 representation by the consumers of telecommunications
35 services for the deaf and disabled.

36 (b) All revenues collected by telephone corporations
37 in rates authorized by the commission to fund the
38 programs specified in subdivision (a) shall be submitted
39 to the commission pursuant to a schedule established by
40 the commission. The commission shall transfer the

1 moneys received to the Controller for deposit in the Deaf
2 and Disabled Telecommunications Program
3 Administrative Committee Fund. All interest earned by
4 moneys in the fund shall be deposited in the fund. Any
5 unexpended revenues collected prior to the operative
6 date of this section shall be submitted to the commission,
7 and the commission shall transfer those moneys to the
8 Controller for deposit in the Deaf and Disabled
9 Telecommunications Program Administrative
10 Committee Fund. In addition, those revenues that are
11 collected pursuant to subdivision (d) of Section 2881 shall
12 be accounted for separately, as required by subdivision
13 (b) of Section 2881.2, and deposited in the fund created
14 by the commission pursuant to subdivision (b) of Section
15 2881.2.

16 (c) Moneys appropriated from the Deaf and Disabled
17 Telecommunications Program Administrative
18 Committee Fund to the commission shall be utilized
19 exclusively by the commission for the program specified
20 in subdivision (a), including all costs of the board and the
21 commission associated with the administration and
22 oversight of the program and the fund.

23 SEC. 3. Section 2881 of the Public Utilities Code is
24 amended to read:

25 2881. (a) The commission shall design and
26 implement a program to provide a telecommunications
27 device capable of serving the needs of individuals who are
28 deaf or hearing impaired, together with a single party
29 line, at no charge additional to the basic exchange rate, to
30 any subscriber who is certified as an individual who is deaf
31 or hearing impaired by a licensed physician and surgeon,
32 audiologist, or a qualified state or federal agency, as
33 determined by the commission, and to any subscriber
34 that is an organization representing individuals who are
35 deaf or hearing impaired, as determined and specified by
36 the commission pursuant to subdivision (e). A licensed
37 hearing aid dispenser may certify the need of an
38 individual to participate in the program if that individual
39 has been previously fitted with an amplified device by the



1 dispenser and the dispenser has the individual's hearing
2 records on file prior to certification.

3 (b) The commission shall also design and implement
4 a program to provide a dual-party relay system, using
5 third-party intervention to connect individuals who are
6 deaf or hearing impaired and offices of organizations
7 representing individuals who are deaf or hearing
8 impaired, as determined and specified by the commission
9 pursuant to subdivision (e), with persons of normal
10 hearing by way of intercommunications devices for
11 individuals who are deaf or hearing impaired and the
12 telephone system, making available reasonable access of
13 all phases of public telephone service to telephone
14 subscribers who are deaf or hearing impaired. In order to
15 make a dual-party relay system that will meet the
16 requirements of individuals who are deaf or hearing
17 impaired available at a reasonable cost, the commission
18 shall initiate an investigation, conduct public hearings to
19 determine the most cost-effective method of providing
20 dual-party relay service to the deaf or hearing impaired
21 when using a telecommunications device, and solicit the
22 advice, counsel, and physical assistance of statewide
23 nonprofit consumer organizations of the deaf, during the
24 development and implementation of the system. The
25 commission shall phase in this program, on a geographical
26 basis, over a three-year period ending on January 1, 1987.
27 The commission shall apply for certification of this
28 program under rules adopted by the Federal
29 Communications Commission pursuant to Section 401 of
30 the Americans with Disabilities Act of 1990 (Public Law
31 101-336).

32 (c) The commission shall also design and implement a
33 program whereby specialized or supplemental telephone
34 communications equipment may be provided to
35 subscribers who are certified to be disabled at no charge
36 additional to the basic exchange rate. The certification,
37 including a statement of medical need for specialized
38 telecommunications equipment, shall be provided by a
39 licensed physician and surgeon acting within the scope of
40 practice of his or her license, or by a qualified state or

1 federal agency as determined by the commission. The
2 commission shall, in this connection, study the feasibility
3 of, and implement, if determined to be feasible, personal
4 income criteria, in addition to the certification of
5 disability, for determining a subscriber's eligibility under
6 this subdivision.

7 (d) The commission shall establish a rate recovery
8 mechanism through a surcharge not to exceed one-half of
9 1 percent uniformly applied to a subscriber's intrastate
10 telephone service, other than one-way radio paging
11 service and universal telephone service, both within a
12 service area and between service areas, to allow providers
13 of the equipment and service specified in subdivisions
14 (a), (b), and (c), to recover costs as they are incurred
15 under this section. The surcharge shall be in effect until
16 January 1, 2001. The commission shall require that the
17 programs implemented under this section be identified
18 on subscribers' bills, and shall establish a fund and require
19 separate accounting for each of the programs
20 implemented under this section.

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

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

32 (g) The commission shall annually review the
33 surcharge level and the balances in the funds established
34 pursuant to subdivision (d). Until January 1, 2001, the
35 commission shall be authorized to make, within the limits
36 set by subdivision (d), any necessary adjustments to the
37 surcharge to ensure that the programs supported thereby
38 are adequately funded and that the fund balances are not
39 excessive. A fund balance which is projected to exceed six

1 months' worth of projected expenses at the end of the
2 fiscal year is excessive.

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

14 (1) The establishment of a means test for persons to
15 qualify for program equipment or free or reduced
16 charges for the use of telecommunication services.

17 (2) If and to the extent not prohibited under Section
18 401 of the Americans with Disabilities Act of 1990 (Public
19 Law 101-336), the imposition of limits or other restrictions
20 on maximum usage levels for the relay service, which
21 shall include the development of a program to provide
22 basic communications requirements to all relay users at
23 discounted rates, including discounted toll call rates, and,
24 for usage in excess of those basic requirements, at rates
25 which recover the full costs of service.

26 (3) More efficient means for obtaining and
27 distributing equipment to qualified subscribers.

28 (4) The establishment of quality standards for
29 increasing the efficiency of the relay system.

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

38 (j) *(1) The commission shall also design and*
39 *implement, on or before July 1, 2001, a program to*
40 *provide toll-free access throughout California to*

1 telephonic reading systems for citizens with print
2 disabilities, at no charge additional to the basic exchange
3 rate. The commission shall establish a system whereby a
4 single toll-free telephone number is used to access all
5 telephonic reading systems, with the caller selecting the
6 desired system by choosing among menu items provided
7 at the beginning of each call. Each available site shall
8 provide access only with the use of individual passwords
9 issued only to persons who are eligible under the criteria
10 established by the National Library Service.

11 (2) For purposes of this subdivision “telephonic
12 reading systems” means a system, operated by, or under
13 the control or sponsorship of any agency, instrumentality,
14 political subdivision of the State of California, or by any
15 nonprofit organization doing business in this state,
16 whereby the caller can hear the reading of material such
17 as newspapers, magazines, newsletters, broadcast media
18 schedules, and other time sensitive materials as
19 determined by the operator of the system.

20 (3) Application may also be made to the commission
21 for funds for the establishment of new systems, and the
22 operation of these system. Expenditures under this
23 subdivision are limited to a maximum of 20 percent of the
24 maximum funds, which are authorized by the Legislature
25 to be collected under subdivision (d) of this section.
26 Nothing in this subdivision is intended to limit the
27 commission from establishing other programs or services
28 under the authority of subdivision (h) of this section.

29 (4) This bill may be known and cited as the Kevin Starr
30 Access to Information Act of 2000.

31 SEC. 4. No reimbursement is required by this act
32 pursuant to Section 6 of Article XIII B of the California
33 Constitution because the only costs that may be incurred
34 by a local agency or school district will be incurred
35 because this act creates a new crime or infraction,
36 eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition

1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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