

AMENDED IN ASSEMBLY MARCH 29, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

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 amended, 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 authorize specified entities to apply to the commission for funding to establish a new telephonic reading system, and for the operation of such a system. The bill would require the commission to reimburse any authorized operational expenses paid or incurred by a telephonic reading system on or after January 1, 2001, and to make any retroactive payments to a telephonic reading system after the implementation by the commission of the program. 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 require the committee to review the guidelines and administration of existing telephonic reading systems in this state and issue recommendations to the commission relating to the establishment of new protocols and guidelines. The bill would require the commission to establish new protocols and guidelines for telephonic reading systems. 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.



(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 such print disabilities.

(e) The California State Library, through the leadership of State Librarian Dr. Kevin Starr, has caused to be established in five sites throughout California high technology systems that provide access to such 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 sites necessary to give print disabled Californians local telephone call access to such sites.

(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 2000.*

SEC. 3. Section 278 of the Public Utilities Code is amended to read:

278. (a) (1) There is hereby created the Deaf and Disabled Telecommunications Program Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of programs to

1 provide specified telecommunications services and
2 equipment to persons in this state who are deaf, disabled,
3 or print disabled, as provided for in Sections 2881, 2881.1,
4 and 2881.2, and to carry out the programs pursuant to the
5 commission's direction, control, and approval.

6 (2) In addition to the membership qualifications
7 established by the commission pursuant to subdivision
8 (a) of Section 271, the commission shall establish
9 qualifications for persons to serve as members of the Deaf
10 and Disabled Telecommunications Program
11 Administrative Committee to achieve appropriate
12 representation by the consumers of telecommunications
13 services for the deaf and disabled.

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

34 (c) Moneys appropriated from the Deaf and Disabled
35 Telecommunications Program Administrative
36 Committee Fund to the commission shall be utilized
37 exclusively by the commission for the program specified
38 in subdivision (a), including all costs of the board and the
39 commission associated with the administration and
40 oversight of the program and the fund.

~~SEC. 3.—~~

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

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

(b) The commission shall also design and implement a program to provide a dual-party relay system, using third-party intervention to connect individuals who are deaf or hearing impaired and offices of organizations representing individuals who are deaf or hearing impaired, as determined and specified by the commission pursuant to subdivision (e), with persons of normal hearing by way of intercommunications devices for individuals who are deaf or hearing impaired and the telephone system, making available reasonable access of all phases of public telephone service to telephone subscribers who are deaf or hearing impaired. In order to make a dual-party relay system that will meet the requirements of individuals who are deaf or hearing impaired available at a reasonable cost, the commission shall initiate an investigation, conduct public hearings to determine the most cost-effective method of providing dual-party relay service to the deaf or hearing impaired when using a telecommunications device, and solicit the advice, counsel, and physical assistance of statewide

1 nonprofit consumer organizations of the deaf, during the
2 development and implementation of the system. The
3 commission shall phase in this program, on a geographical
4 basis, over a three-year period ending on January 1, 1987.
5 The commission shall apply for certification of this
6 program under rules adopted by the Federal
7 Communications Commission pursuant to Section 401 of
8 the Americans with Disabilities Act of 1990 (Public Law
9 101-336).

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

25 (d) The commission shall establish a rate recovery
26 mechanism through a surcharge not to exceed one-half of
27 1 percent uniformly applied to a subscriber's intrastate
28 telephone service, other than one-way radio paging
29 service and universal telephone service, both within a
30 service area and between service areas, to allow providers
31 of the equipment and service specified in subdivisions
32 (a), (b), and (c), to recover costs as they are incurred
33 under this section. The surcharge shall be in effect until
34 January 1, 2001. The commission shall require that the
35 programs implemented under this section be identified
36 on subscribers' bills, and shall establish a fund and require
37 separate accounting for each of the programs
38 implemented under this section.

39 (e) The commission shall determine and specify those
40 statewide organizations representing the deaf or hearing

1 impaired that shall receive a telecommunications device
2 pursuant to subdivision (a) or a dual-party relay system
3 pursuant to subdivision (b), or both, and in which offices
4 the equipment shall be installed in the case of an
5 organization having more than one office.

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

10 (g) The commission shall annually review the
11 surcharge level and the balances in the funds established
12 pursuant to subdivision (d). Until January 1, 2001, the
13 commission shall be authorized to make, within the limits
14 set by subdivision (d), any necessary adjustments to the
15 surcharge to ensure that the programs supported thereby
16 are adequately funded and that the fund balances are not
17 excessive. A fund balance which is projected to exceed six
18 months' worth of projected expenses at the end of the
19 fiscal year is excessive.

20 (h) The commission shall prepare and submit to the
21 Legislature, on or before December 31, 1988, and
22 annually thereafter, a report on the fiscal status of the
23 programs established and funded pursuant to this section
24 and Sections 2881.1 and 2881.2. The report shall include
25 a statement of the surcharge level established pursuant to
26 subdivision (d) and revenues produced by the surcharge,
27 an accounting of program expenses, and an evaluation of
28 options for controlling those expenses and increasing
29 program efficiency, including, but not limited to, all of the
30 following proposals:

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

34 (2) If, and to the extent not prohibited under Section
35 401 of the Americans with Disabilities Act of 1990 (Public
36 Law 101-336), the imposition of limits or other restrictions
37 on maximum usage levels for the relay service, which
38 shall include the development of a program to provide
39 basic communications requirements to all relay users at
40 discounted rates, including discounted toll call rates, and,

1 for usage in excess of those basic requirements, at rates
2 which recover the full costs of service.

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

5 (4) The establishment of quality standards for
6 increasing the efficiency of the relay system.

7 (i) In order to continue to meet the access needs of
8 individuals with functional limitations of hearing, vision,
9 movement, manipulation, speech and interpretation of
10 information, the commission shall perform ongoing
11 assessment of, and if appropriate, expand the scope of the
12 program to allow for additional access capability
13 consistent with evolving telecommunications
14 technology.

15 (j) (1) The commission shall also design and
16 implement, on or before July 1, 2001, a program to
17 provide toll-free access throughout California to
18 telephonic reading systems for citizens with print
19 disabilities, at no charge additional to the basic exchange
20 rate. The commission shall establish a system whereby a
21 single toll-free telephone number is used to access all
22 telephonic reading systems, with the caller selecting the
23 desired system by choosing among menu items provided
24 at the beginning of each call. Each ~~—available—site~~
25 *telephonic reading system* shall provide access ~~only~~ with
26 the use of individual passwords issued only to persons who
27 are eligible under the criteria established by the National
28 Library Service *for the Blind and Physically*
29 *Handicapped, Library of Congress, as authorized by*
30 *Section 135a of Title 2 of the United States Code, and as*
31 *described in Section 701.10 of Title 36 of the Code of*
32 *Federal Regulations. The operator of each telephonic*
33 *reading system shall provide for the issuance of passwords*
34 *to those individuals who meet the criteria described in*
35 *this paragraph.*

36 (2) For purposes of this subdivision “telephonic
37 reading systems” ~~means a system,~~ *system” means a*
38 *system* operated by, or under the control or sponsorship
39 of any agency, instrumentality, or political subdivision of
40 the State of California, or by any nonprofit organization

1 doing business in this state, whereby the caller can hear
2 the reading of material such as newspapers, magazines,
3 newsletters, broadcast media schedules, ~~and other transit~~
4 ~~route and schedule information, and other reference or~~
5 time sensitive materials as determined by the operator of
6 the system.

7 ~~(3) Application may also be made to the commission~~
8 ~~for funds for the establishment of new systems, and the~~
9 ~~operation of these system. Expenditures under this~~
10 ~~subdivision are limited to a maximum of 20 percent of the~~
11 ~~maximum funds, which are authorized by the Legislature~~
12 ~~to be collected under subdivision (d) of this section.~~
13 ~~Nothing in this subdivision is intended to limit the~~
14 ~~commission from establishing other programs or services~~
15 ~~under the authority of subdivision (h) of this section.~~

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

18 ~~SEC. 4.—~~

19 (3) Any agency, instrumentality, or political
20 subdivision of this state, or any nonprofit organization
21 doing business in this state, may apply to the commission
22 for funding to establish a new telephonic reading system,
23 and for the operation of such a system. The commission
24 shall reimburse any operational expenses paid or
25 incurred by a telephonic reading system authorized by
26 the commission on or after January 1, 2001, and the
27 commission shall make any retroactive payments to a
28 telephone reading system after the implementation by
29 the commission of the program described in paragraph
30 (1).

31 (4) Expenditures under this subdivision may not
32 exceed 20 percent of maximum revenues authorized by
33 subdivision (d).

34 (5) Nothing in this subdivision is intended to limit the
35 establishment by the commission of other programs or
36 services under subdivision (i).

37 (6) The Deaf and Disabled Telecommunications
38 Program Administrative Committee shall review the
39 guidelines and administration of existing telephonic
40 reading systems in this state and issue recommendations

1 *to the commission relating to the establishment of new*
2 *protocols and guidelines.*

3 *(7) The commission shall establish new protocols and*
4 *guidelines for telephonic reading systems.*

5 SEC. 5. No reimbursement is required by this act
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution because the only costs that may be incurred
8 by a local agency or school district will be incurred
9 because this act creates a new crime or infraction,
10 eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition
13 of a crime within the meaning of Section 6 of Article
14 XIII B of the California Constitution.

