

AMENDED IN ASSEMBLY APRIL 11, 2000
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)
(Coauthors: Assembly Members Cardenas, Maddox, Papan,
and Reyes)

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 authorize a maximum of ~~20 percent~~ 20% 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:



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

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

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

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

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

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

30 (g) It is not cost effective to establish the hundreds of
31 ~~sites~~ *locations* necessary to give print disabled
32 Californians local telephone call access to ~~such-sites~~ *those*
33 *locations*.

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

39 SEC. 2. This bill may be known and shall be cited as
40 the Kevin Starr Access to Information Act of 2000.

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

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

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

21 (b) All revenues collected by telephone corporations
22 in rates authorized by the commission to fund the
23 programs specified in subdivision (a) shall be submitted
24 to the commission pursuant to a schedule established by
25 the commission. The commission shall transfer the
26 moneys received to the Controller for deposit in the Deaf
27 and Disabled Telecommunications Program
28 Administrative Committee Fund. All interest earned by
29 moneys in the fund shall be deposited in the fund. Any
30 unexpended revenues collected prior to the operative
31 date of this section shall be submitted to the commission,
32 and the commission shall transfer those moneys to the
33 Controller for deposit in the Deaf and Disabled
34 Telecommunications Program Administrative
35 Committee Fund. In addition, those revenues that are
36 collected pursuant to subdivision (d) of Section 2881 shall
37 be accounted for separately, as required by subdivision
38 (b) of Section 2881.2, and deposited in the fund created
39 by the commission pursuant to subdivision (b) of Section
40 2881.2.

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

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

1 impaired available at a reasonable cost, the commission
2 shall initiate an investigation, conduct public hearings to
3 determine the most cost-effective method of providing
4 dual-party relay service to the deaf or hearing impaired
5 when using a telecommunications device, and solicit the
6 advice, counsel, and physical assistance of statewide
7 nonprofit consumer organizations of the deaf, during the
8 development and implementation of the system. The
9 commission shall phase in this program, on a geographical
10 basis, over a three-year period ending on January 1, 1987.
11 The commission shall apply for certification of this
12 program under rules adopted by the Federal
13 Communications Commission pursuant to Section 401 of
14 the Americans with Disabilities Act of 1990 (Public Law
15 101-336).

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

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

1 programs implemented under this section be identified
2 on subscribers' bills, and shall establish a fund and require
3 separate accounting for each of the programs
4 implemented under this section.

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

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

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

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

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

1 (2) If, and to the extent not prohibited under Section
2 401 of the Americans with Disabilities Act of 1990 (Public
3 Law 101-336), the imposition of limits or other restrictions
4 on maximum usage levels for the relay service, which
5 shall include the development of a program to provide
6 basic communications requirements to all relay users at
7 discounted rates, including discounted toll call rates, and,
8 for usage in excess of those basic requirements, at rates
9 which recover the full costs of service.

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

12 (4) The establishment of quality standards for
13 increasing the efficiency of the relay system.

14 (i) In order to continue to meet the access needs of
15 individuals with functional limitations of hearing, vision,
16 movement, manipulation, speech and interpretation of
17 information, the commission shall perform ongoing
18 assessment of, and if appropriate, expand the scope of the
19 program to allow for additional access capability
20 consistent with evolving telecommunications
21 technology.

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

1 issuance of passwords to those individuals who meet the
2 criteria described in this paragraph.

3 (2) For purposes of this subdivision “telephonic
4 reading system” means a system operated by, or under
5 the control or sponsorship of any agency, instrumentality,
6 or political subdivision of the State of California, or by any
7 nonprofit organization doing business in this state,
8 whereby the caller can hear the reading of material such
9 as newspapers, magazines, newsletters, broadcast media
10 schedules, transit route and schedule information, and
11 other reference or time sensitive materials as determined
12 by the operator of the system.

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

25 (4) Expenditures under this subdivision may not
26 exceed 20 percent of maximum revenues authorized by
27 subdivision (d).

28 (5) Nothing in this subdivision is intended to limit the
29 establishment by the commission of other programs or
30 services under subdivision (i).

31 (6) The Deaf and Disabled Telecommunications
32 Program Administrative Committee shall review the
33 guidelines and administration of existing telephonic
34 reading systems in this state and issue recommendations
35 to the commission relating to the establishment of new
36 protocols and guidelines.

37 (7) The commission shall establish new protocols and
38 guidelines for telephonic reading systems.

39 SEC. 5. No reimbursement is required by this act
40 pursuant to Section 6 of Article XIII B of the California

1 Constitution because the only costs that may be incurred
2 by a local agency or school district will be incurred
3 because this act creates a new crime or infraction,
4 eliminates a crime or infraction, or changes the penalty
5 for a crime or infraction, within the meaning of Section
6 17556 of the Government Code, or changes the definition
7 of a crime within the meaning of Section 6 of Article
8 XIII B of the California Constitution.

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