

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1752

Chapter 425, Laws of 1993

53rd Legislature
1993 Regular Session

TELEPHONE RELAY SERVICE--FUNDING AND ELIGIBILITY--REVISIONS

EFFECTIVE DATE: 5/15/93

Passed by the House April 20, 1993
Yeas 97 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 8, 1993
Yeas 38 Nays 9

JOEL PRITCHARD
President of the Senate

Approved May 15, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1752** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 15, 1993 - 1:40 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1752

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Energy & Utilities (originally sponsored by Representatives Grant, Casada and Miller)

Read first time 03/03/93.

1 AN ACT Relating to telephone relay service; amending RCW
2 43.20A.725; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.20A.725 and 1992 c 144 s 3 are each amended to read
5 as follows:

6 (1) The department shall maintain a program whereby TTs, signal
7 devices, (~~(a TRS)~~) and amplifying accessories capable of serving the
8 needs of the hearing and speech impaired shall be provided (~~(at no~~
9 ~~charge additional to the basic exchange rate)~~) under the standards
10 established in subsection (11) of this section to an individual of
11 school age or older(~~(7)~~):

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

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

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

4 (2) The office shall award contracts on a competitive basis, to
5 qualified persons for which eligibility to contract is determined by
6 the office, for the distribution and maintenance of such TTs, signal
7 devices, and amplifying accessories as shall be determined by the
8 office. When awarding such contracts, the office may consider the
9 quality of equipment and, with the director's approval, may award
10 contracts on a basis other than cost. Such contracts may include a
11 provision for the employment and use of a qualified trainer and the
12 training of recipients in the use of such devices.

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

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

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

31 (6) The office shall award contracts for the operation and
32 maintenance of the state-wide relay service. The initial contract
33 shall be for service commencing on or before July 26, 1993. The
34 contract shall be awarded to an individual company registered as a
35 telecommunications company by the utilities and transportation
36 commission, to a group of registered telecommunications companies, or
37 to any other company or organization determined by the office as
38 qualified to provide relay services, contingent upon that company or

1 organization being approved as a registered telecommunications company
2 prior to final contract approval.

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

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

35 (9) The department shall provide the legislature with a biennial
36 report on the operation of the program. The first report shall be
37 provided no later than December 1, 1990, and successive reports every
38 two years thereafter. Reports shall be prepared in consultation with
39 the TRS program advisory committee and the utilities and transportation

1 commission. The reports shall, at a minimum, briefly outline the
2 accomplishments of the program, the number of persons served, revenues
3 and expenditures, the prioritizing of services to those eligible based
4 on such factors as degree of physical handicap or the allocation of the
5 program's revenue between provision of devices to individuals and
6 operation of the state-wide relay service, other major policy or
7 operational issues, and proposals for improvements or changes for the
8 program. The first report shall contain a study which includes
9 examination of like programs in other states, alternative methods of
10 financing the program, alternative methods of using the
11 telecommunications system, advantages and disadvantages of operating
12 the TRS program from within the department, by telecommunications
13 companies, and by a private, nonprofit corporation, and means to limit
14 demand for system usage.

15 (10) The program shall be consistent with the requirements of
16 federal law for the operation of both interstate and intrastate
17 telecommunications services for the deaf or hearing impaired or speech
18 impaired. The department and the utilities and transportation
19 commission shall be responsible for ensuring compliance with federal
20 requirements and shall provide timely notice to the legislature of any
21 legislation that may be required to accomplish compliance.

22 (11)(a) The department shall provide TTs, signal devices, and
23 amplifying accessories to a person eligible under subsection (1) of
24 this section at no charge in addition to the basic exchange rate if:

25 (i) The person is eligible for participation in the Washington
26 telephone assistance program under RCW 80.36.470;

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

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

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

38 (c) The department shall charge a person eligible under subsection
39 (1) of this section whose income exceeds two hundred percent of the

1 federal poverty level the cost to the department of purchasing the
2 equipment provided to that person.

3 (d) The department may waive part or all of the charges assessed
4 under this subsection if the department finds that (i) the eligible
5 person requires telebraille equipment or other equipment of similar
6 cost and (ii) the charges normally assessed for the equipment under
7 this subsection would create an exceptional or undue hardship on the
8 eligible person.

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

12 NEW SECTION. Sec. 2. This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and shall take
15 effect immediately.

Passed the House April 20, 1993.

Passed the Senate April 8, 1993.

Approved by the Governor May 15, 1993.

Filed in Office of Secretary of State May 15, 1993.