

FINAL BILL REPORT

SHB 1752

C 425 L 93
Synopsis as Enacted

Brief Description: Changing telephone relay service provisions.

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

House Committee on Energy & Utilities
House Committee on Revenue
Senate Committee on Energy & Utilities
Senate Committee on Ways & Means

Background:

TELEPHONE RELAY SERVICE (TRS)

In 1987, the Legislature enacted a program to enable hearing and speech impaired persons to access telecommunications systems. This program is administered by the Office of Deaf Services within the Department of Social and Health Services.

Under the 1987 program, state-owned text telephone devices are distributed to the hearing-impaired community. These devices allow hearing and speech impaired persons to communicate directly with each other. The program also provides a telephone relay service which enables a text telephone user to communicate with a hearing person via an operator who converts printed text to spoken words and vice-versa. The relay service became operable in 1989.

The TRS is funded by an excise tax placed on each telephone access line. Currently, there is a statutory ceiling on the excise tax of \$0.10 per line per month. Monies raised by the excise tax are placed in a nonappropriated, nonallotted fund. The Utilities and Transportation Commission (UTC) sets the actual rate to be charged by dividing the total program budget by the total number of access lines.

AMERICANS WITH DISABILITIES ACT

In 1990, Congress enacted the Americans with Disabilities Act (ADA) which, among other things, requires all states to develop a telephone relay service by July 1993. Provisions of the ADA and rules adopted to implement the ADA require

that persons with hearing or speech impairments be able to access telecommunications systems in a manner which is functionally equivalent to hearing persons. While the ADA requires each state to have a relay service, it does not require that the states provide disabled persons with equipment.

In response to the ADA, the 1992 Legislature enacted legislation requiring that the Office of Deaf Services establish a TRS program that meets the requirements of the ADA and seek federal approval of that program. The office was also required to seek and award contracts for the operation and maintenance of the new program. Recently, the office has awarded a contract to American Telephone & Telegraph (AT&T) to operate and maintain the program.

Summary: The statutory ceiling on the TRS excise tax is increased to 19 cents. The TRS excise tax is to be separately identified on each ratepayer's bill with the following statement: "Funds Federal ADA Requirement."

The Telephone Relay Service Program budget is to be submitted to the Office of Financial Management (OFM) for review and approval before it is submitted to the UTC for rate setting.

A means test is established under which persons who are eligible to receive equipment under the current program will be assessed certain charges depending on criteria such as family income. The specific rules are as follows:

- (1) There will be no charge, in addition to the basic rate, for people who (a) are eligible for the Washington Telephone Assistance Program, (b) have family incomes equal to or less than 165 percent of the federal poverty level, or (c) are 18 years of age or younger with a family income level equal to or less than 200 percent of the federal poverty level.
- (2) Eligible persons with family incomes greater than 165 percent and equal to or less than 200 percent of the federal poverty level are to be assessed charges on a sliding scale basis determined by the Department of Social and Health Services (DSHS).
- (3) Eligible persons with family incomes greater than 200 percent of the federal poverty level are to pay the full cost of the equipment to DSHS.
- (4) DSHS may waive part or all of the charges for telebraille and other expensive equipment if DSHS

finds that the charges would impose an undue hardship on the recipient.

Certification of family income by the eligible person or the person's guardian or head of household is sufficient to determine eligibility.

Votes on Final Passage:

House	97	0	
Senate	38	9	(Senate amended)
House	97	0	(House concurred)

Effective: May 15, 1993