

SENATE BILL REPORT

SHB 1752

AS REPORTED BY COMMITTEE ON WAYS & MEANS, APRIL 5, 1993

Brief Description: Changing telephone relay service provisions.

SPONSORS: 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

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Sutherland, Chairman; Jesernig, Vice Chairman; Amondson, Hochstatter, McCaslin, Vognild, West, and Williams.

Staff: Bennie Barnes (786-7198)

Hearing Dates: March 18, 1993; March 25, 1993

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Energy & Utilities.

Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Gaspard, Hargrove, Hochstatter, Jesernig, Moyer, Niemi, Owen, Quigley, Roach, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

Staff: Tim Yowell (786-7715)

Hearing Dates: April 2, 1993; April 5, 1993

BACKGROUND:

Telephone Relay Service (TRS): In 1987, the Legislature enacted a program to enable deaf and hearing 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 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 seek certification by the Federal Communications Commission (FCC) of the statewide TRS for the hearing-impaired and speech-impaired. The Office of Deaf Services was also required to seek and award contracts for the operation and maintenance of the relay service for service commencing July 26, 1993.

The Office of Deaf Services issued a request for proposals and has reviewed bids for a statewide TRS. Recently, the office has selected American Telephone & Telegraph (AT&T) to operate 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 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 charges are as follows:

1. There will be no charge, in addition to the basic rate, for people who (1) are eligible for the Washington Telephone Assistance Program, (2) have family incomes equal to or less than 165 percent of the federal poverty level, or (3) 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 by the eligible person or the person's guardian or head of household is sufficient to determine eligibility.

SUMMARY OF PROPOSED SENATE AMENDMENT:

Clarifying technical changes were made.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR (Energy & Utilities):

This bill would bring Washington's telephone relay service into compliance with provisions contained in the American Disabilities Act (ADA).

TESTIMONY AGAINST (Energy & Utilities): None

TESTIFIED (Energy & Utilities): Leon Curtis, Lori Breslow, DSHS (pro); Mat Burns, Washington Association of Deaf (pro); Tom Walker, U.S. West (pro); Bob Bratton, GTE (pro)

TESTIMONY FOR (Ways & Means):

For at least the first three years, the excise tax rate would probably only need to be about 16 cents per line, because DSHS has entered a three-year contract with AT&T to operate the relay service.

TESTIMONY AGAINST (Ways & Means):

The Washington Association for the Deaf supports this legislation and urges its passage, but is concerned that administering the sliding fee scale will cost more than it raises.

TESTIFIED (Ways & Means): Leon Curtis, DSHS Office of Deaf Services (pro); Matthew Burns, WA Assn. of the Deaf (pro with concerns)