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**SUBSTITUTE HOUSE BILL 2769**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Energy & Utilities (originally sponsored by Representatives Cooper, H. Myers, Grant, Miller, Dellwo, Belcher and Jacobsen)

Read first time 02/07/92.

1 AN ACT Relating to changes in the telecommunications relay service;  
2 and amending RCW 43.20A.720, 43.20A.725, and 43.20A.730.

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

4 **Sec. 1.** RCW 43.20A.720 and 1990 c 89 s 2 are each amended to read  
5 as follows:

6 "Hearing impaired" means those persons who are certified to be  
7 deaf, deaf-blind, or hard of hearing, and those persons who are  
8 certified to have a hearing disability limiting their access to  
9 telecommunications.

10 "Speech impaired" means persons who are certified to be unable to  
11 speak or who are certified to have a speech impairment limiting their  
12 access to telecommunications.

13 "Text telephone (TT)," formerly known as a telecommunications  
14 device for the deaf (TDD)((~~TT~~)) means a ((~~teletypewriter~~))

1 telcommunications device that has a typewriter or computer keyboard and  
2 a readable display that couples with the telephone, allowing messages  
3 to be typed rather than spoken. The device allows a person to make a  
4 telephone call directly to another person possessing similar equipment.  
5 The conversation is typed through one machine to the other machine  
6 instead of spoken.

7 "((~~TDD~~)) Telecommunications relay ((system)) service (TRS)" is a  
8 service for hearing and speech impaired people who have a ((~~TDD~~)) TT to  
9 call someone who does not have a ((~~TDD~~)) TT or vice versa. The service  
10 consists of several telephones being utilized by ((~~TDD-relay-service~~  
11 ~~operators~~)) TRS communications assistants who receive either ((~~TDD~~)) TT  
12 or voice phone calls. If a ((~~TDD-relay-service-operator~~)) TRS  
13 communications assistant receives a phone call from a hearing or speech  
14 impaired person wishing to call a hearing person, the operator will  
15 call the hearing person and act as an intermediary by translating what  
16 is displayed on the ((~~TDD~~)) TT to voice and typing what is voiced into  
17 the ((~~TDD~~)) TT to be read by the hearing or speech impaired caller.  
18 This process can also be reversed with a hearing person calling a deaf  
19 person through the ((~~TDD~~)) telecommunications relay service. "TRS  
20 program" as used in this chapter includes both the relay function and  
21 Tts.

22 "Qualified trainer" is a person who is knowledgeable about ((~~TDDs~~))  
23 Tts, signal devices, and amplifying accessories; familiar with the  
24 technical aspects of equipment designed to meet hearing impaired  
25 people's needs; and is fluent in American sign language.

26 "Qualified contractor" shall have ((~~bilingual~~)) staff bilingual in  
27 American sign language and standard English available for quality  
28 language/cultural interpretations; quality training of operators; and  
29 policies, training, and operational procedures to be determined by the  
30 office.

1 "The department" means the department of social and health services  
2 of the state of Washington.

3 "Office" means the office of deaf services within the state  
4 department of social and health services.

5 **Sec. 2.** RCW 43.20A.725 and 1990 c 89 s 3 are each amended to read  
6 as follows:

7 (1) The department shall maintain a program whereby ((TDDs)) TTs,  
8 signal devices, a ((TDD-relay-system)) TRS, and amplifying accessories  
9 capable of serving the needs of the hearing and speech impaired shall  
10 be provided at no charge additional to the basic exchange rate, to an  
11 individual of school age or older, (a) who is certified as hearing  
12 impaired by a licensed physician, audiologist, or a qualified state  
13 agency, and to any subscriber that is an organization representing or  
14 serving the hearing impaired, as determined and specified by the  
15 ((TDD)) TRS program advisory committee; or (b) who is certified as  
16 speech impaired by a licensed physician, speech pathologist, or a  
17 qualified state agency, and to any subscriber that is an organization  
18 representing the speech impaired, as determined and specified by the  
19 ((TDD)) TRS program advisory committee. For the purpose of this  
20 section, certification implies that individuals cannot use the  
21 telephone for expressive or receptive communications due to hearing or  
22 speech impairment.

23 (2) The office shall award contracts on a competitive basis, to  
24 qualified persons for which eligibility to contract is determined by  
25 the office, for the distribution and maintenance of such ((TDDs)) TTs,  
26 signal devices, and amplifying accessories as shall be determined by  
27 the office. Such contract shall include a provision for the employment  
28 and use of a qualified trainer and the training of recipients in the  
29 use of such devices.

1 (3) The office shall establish and implement a policy for the  
2 ultimate responsibility for recovery of (~~TDDs~~) TTs, signal devices,  
3 and amplifying accessories from recipients who are moving from this  
4 state or who for other reasons are no longer using them.

5 (4) Pursuant to recommendations of the (~~TDD~~) TRS program advisory  
6 committee, the office shall maintain a program whereby a relay system  
7 will be provided state-wide using operator intervention to connect  
8 hearing impaired and speech impaired persons and offices or  
9 organizations representing or serving the hearing impaired and speech  
10 impaired, as determined and specified by the (~~TDD~~) TRS program  
11 advisory committee pursuant to RCW 43.20A.730. (~~The relay system~~  
12 ~~shall be the most cost effective possible and shall operate in a manner~~  
13 ~~consistent with federal requirements for such systems.~~) Operation of  
14 the relay service shall be bid out to a qualified contractor. The  
15 department shall be guided by RCW 43.19.1911 in the selection of a  
16 qualified contractor.

17 (5) Intrastate interexchange carriers providing voice transmission  
18 service shall offer discounted rates for text telephone transmissions.  
19 The utilities and transportation commission shall by rule set a minimum  
20 percentage for the discount.

21 (6) The department shall prepare and submit an application for  
22 state certification by October 1, 1992, to the federal communications  
23 commission. The contract with the qualified contractor shall be  
24 concluded in sufficient time for the contractor to be fully operational  
25 and in compliance with applicable federal communications commission  
26 regulations by July 26, 1993.

27 (7) In establishing the revised service by July 26, 1993, the  
28 department and the qualified contractor shall take necessary measures  
29 to ensure that the currently provided TRS remains viable until the  
30 qualified contractor's revised service is fully operational.

1       (8) The program shall be funded by a telecommunications (~~devices~~  
2 ~~for the deaf (TDD))~~ relay service (TRS) excise tax applied to each  
3 switched access line provided by the local exchange companies. The  
4 office shall determine, in consultation with the (~~TDD~~) TRS program  
5 advisory committee, the amount of money needed to fund the program on  
6 an annual basis, including both operational costs and a reasonable  
7 amount for capital improvements such as equipment upgrade and  
8 replacement. (~~That information shall be given by the department in an~~  
9 ~~annual budget to the utilities and transportation commission no later~~  
10 ~~than March 1 prior to the beginning of the fiscal year. The utilities~~  
11 ~~and transportation commission shall then determine the amount of TDD~~  
12 ~~excise tax to be placed on each access line and~~) The utilities and  
13 transportation commission shall transmit to the department, no later  
14 than March 1 of each year, the number of switched access lines in the  
15 state as of the prior January 1. The department shall use this number  
16 in calculating the amount of TRS excise tax to be placed on each  
17 switched access line. The department shall inform each local exchange  
18 company of this amount no later than May 15. The (~~TDD~~) TRS excise  
19 tax shall not exceed (~~ten~~) twenty cents per month per access line.  
20 Each local exchange company shall impose the amount of excise tax  
21 determined by the (~~commission~~) department as of July 1, and shall  
22 remit the amount collected directly to the department on a monthly  
23 basis. The (~~TDD~~) TRS excise tax shall be separately identified on  
24 each ratepayer's bill as "~~(Telecommunications devices)~~ Funds for  
25 relay services to connect with the deaf and hearing impaired". All  
26 proceeds from the (~~TDD~~) TRS excise tax shall be put into a fund to be  
27 administered by the office through the department.

28       (~~(6)~~) (9) The office shall administer and control the award of  
29 money to all parties incurring costs in implementing and maintaining  
30 telecommunications services, programs, equipment, and technical support

1 services in accordance with ~~((the provisions of RCW 43.20A.725))~~ this  
2 section.

3 ~~((7))~~ (10) The department shall provide the legislature with a  
4 biennial report on the operation of the program. The first report  
5 shall be provided no later than December 1, 1990, and successive  
6 reports every two years thereafter. Reports shall be prepared in  
7 consultation with the ~~((TDD))~~ TRS program advisory committee and the  
8 utilities and transportation commission. The reports shall, at a  
9 minimum, briefly outline the accomplishments of the program, the number  
10 of persons ~~((served))~~ receiving equipment, the number of relay calls  
11 placed, revenues and expenditures, ~~((the prioritizing of services to~~  
12 ~~those eligible based on such factors as degree of physical handicap~~  
13 ~~or))~~ the allocation of the program's revenue between provision of  
14 devices to individuals and operation of the state wide relay service,  
15 other major policy or operational issues, and proposals for  
16 improvements or changes for the program. ~~((The first report shall~~  
17 ~~contain a study which includes examination of like programs in other~~  
18 ~~states, alternative methods of financing the program, alternative~~  
19 ~~methods of using the telecommunications system, advantages and~~  
20 ~~disadvantages of operating the TDD program from within the department,~~  
21 ~~by telecommunications companies, and by a private, nonprofit~~  
22 ~~corporation, and means to limit demand for system usage.~~

23 ~~(8))~~ (11) The program shall be consistent with the requirements of  
24 federal law for the operation of both interstate and intrastate  
25 telecommunications services for ~~((the deaf or))~~ people with hearing  
26 ~~((impaired))~~ or speech ~~((impaired))~~ disabilities. The department  
27 ~~((and)),~~ in consultation with the utilities and transportation  
28 commission, shall be responsible for ensuring compliance with federal  
29 requirements and shall provide timely notice to the legislature of any  
30 legislation that may be required to accomplish compliance.

1       **Sec. 3.** RCW 43.20A.730 and 1990 c 89 s 4 are each amended to read  
2 as follows:

3       (1) The department advisory committee on deafness shall establish  
4 a ~~((FDD))~~ TRS program advisory committee to oversee operation of the  
5 ~~((FDD))~~ TRS program. The ~~((FDD))~~ TRS program advisory committee shall  
6 consist of no more than thirteen individuals representing the hearing  
7 impaired and speech impaired communities, the department, the utilities  
8 and transportation commission, agencies and services serving the  
9 hearing impaired and speech impaired, and local exchange companies in  
10 the state. The membership on the ~~((FDD))~~ TRS program advisory  
11 committee shall, to the maximum extent possible, include  
12 representatives from (a) the major state-wide organizations  
13 representing the hearing impaired and speech impaired, (b)  
14 organizations for the hearing impaired and speech impaired located in  
15 areas of the state with high populations of such persons, and (c)  
16 organizations that reflect the different geographic regions of the  
17 state. In order to develop, implement, and maintain a state-wide relay  
18 system providing cost-effective relay centers at a reasonable cost and  
19 that will meet the requirements of the hearing impaired and speech  
20 impaired, the ~~((FDD))~~ TRS program advisory committee shall investigate  
21 options, conduct public hearings as needed to ~~((determine the most~~  
22 ~~cost-effective method of operating a state-wide relay system providing~~  
23 ~~relay centers to the hearing impaired and speech impaired, and solicit~~  
24 ~~the advice, counsel, and assistance of interested parties and nonprofit~~  
25 ~~consumer organizations for hearing impaired and speech impaired persons~~  
26 ~~state-wide))~~ solicit feedback on the relay service and equipment  
27 distribution program. The ~~((FDD))~~ TRS program advisory committee shall  
28 also, in conjunction with the department, monitor the activities and  
29 moneys that are being spent by the department for the program herein.

1           (2) The ((TDD)) TRS program advisory committee shall establish  
2 criteria and specify state-wide organizations representing the hearing  
3 or speech impaired meeting such criteria that are to receive  
4 ((telecommunications—devices)) text telephones pursuant to RCW  
5 43.20A.725(1), and in which offices the equipment shall be installed if  
6 an organization has more than one office.