

House Bill 1003 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Childers of the 13th, Orrock of the 56th, Henson of the 65th, Drenner of the 66th, Reece of the 11th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to
2 telephone and telegraph service, so as to provide for the establishment of a
3 telecommunications equipment distribution program; to authorize the use of surcharge funds
4 for the administration and operation of the program; to authorize the Public Service
5 Commission to select a distribution agency to manage the program, establish guidelines for
6 recipients of the program, and establish an advisory committee to review and evaluate the
7 program; to set a date to begin operation of the program; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and
12 telegraph service, is amended by striking Code Section 46-5-30, relating to the establishment,
13 administration, and operation of a state-wide dual party relay service, and inserting in its
14 place the following:

15 "46-5-30.

16 (a) The General Assembly finds and declares that it is in the public interest to provide
17 basic telecommunication services to all citizens of this state who, because of physical
18 impairments, particularly hearing and speech impairments, cannot otherwise communicate
19 over the telephone.

20 (b) The commission shall establish, implement, administer, and promote a state-wide
21 single provider dual party relay service operating seven days per week, 24 hours per day,
22 and contract for the administration and operation of such relay service. The commission
23 shall also establish, implement, administer, and promote a telecommunications equipment
24 distribution program and contract for the administration and operation of such program.

25 (c) The commission shall require all local exchange telephone companies in this state,
26 except those operated by telephone membership corporations, to impose a monthly

1 maintenance surcharge on all residential and business local exchange access facilities. For
 2 the purpose of this subsection, 'exchange access facility' means the access from a particular
 3 telephone subscriber's premise to the telephone system of a local exchange telephone
 4 company. 'Exchange access facility' includes local exchange company provided access
 5 lines, private branch exchange trunks, and centrex network access registers, all as defined
 6 by tariffs of telephone companies as approved by the commission. The amount of the
 7 surcharge shall be determined by the commission based upon the amount of funding
 8 necessary to accomplish the purposes of this Code section and provide the services on an
 9 ongoing basis; however, in no case shall the amount exceed 20¢ per month. A maximum
 10 of \$0.05 of this monthly surcharge per access line shall be utilized for a
 11 telecommunications equipment distribution program. If the projected cost of the operation
 12 of the relay service exceeds a monthly surcharge of \$0.15 at any time, funding for the
 13 telecommunications equipment distribution program will be reduced by the amount
 14 required to fully fund the relay service, under the existing cap of \$0.20 for the period of
 15 time necessary. No additional fees other than the surcharge authorized by this subsection
 16 shall be imposed on any user of such relay service. The local exchange companies shall
 17 collect the surcharge from their customers and transfer the monies collected to a special
 18 fund to be held separate from all other funds. The fund shall be used solely for the
 19 administration and operation of the relay service and the telecommunications equipment
 20 distribution program and shall not be used for the distribution of telecommunication
 21 ~~devices for the deaf or similar such devices~~ or be imposed, collected, or expended for any
 22 other purpose.

23 (d) The dual party relay system shall protect the privacy of persons to whom relay services
 24 are provided and shall require all operators to maintain the confidentiality of all telephone
 25 messages. The confidentiality and privacy of persons to whom relay services are provided
 26 will be protected by means of the following:

- 27 (1) The relay center shall not maintain any form of permanent copies of messages
 28 relayed by their operators or allow the content of telephone messages to be
 29 communicated to, or accessible to, nonstaff members;
- 30 (2) Persons using the relay services shall not be required to provide any personal
 31 identifying information until the party they are calling is on the line, and shall only be
 32 required to identify themselves to the extent necessary to fulfill the purpose of their call;
- 33 (3) Relay operators shall not leave messages with third parties unless instructed to do so
 34 by the person making the call;
- 35 (4) Relay operators shall not intentionally alter a relayed conversation; and
- 36 (5) Relay operators shall not refuse calls or limit the length of calls.

1 (e) Neither the commission nor the provider of the dual party relay system service nor,
2 except in cases of willful misconduct, gross negligence, or bad faith, the employees of the
3 provider of the dual party relay system service shall be liable for any claims, actions,
4 damages, or causes of action arising out of or resulting from the establishment,
5 participation in, or operation of the dual party relay system service.

6 (f) The commission shall select the telecommunications carrier which will provide the
7 relay system service and award the contract for this service to the offerer whose proposal
8 is the most advantageous to the state, considering price, the interests of the hearing
9 impaired and speech impaired community in having access to a high quality and
10 technologically advanced telecommunication system, and all other factors listed in the
11 commission's request for proposals.

12 (g) The commission shall select a distribution agency to manage the telecommunications
13 equipment distribution program and award the contract for this service to the offerer whose
14 proposal is the most advantageous to the state, considering price, the interests of the
15 hearing impaired and speech impaired community in obtaining appropriate and effective
16 telecommunications equipment, the training of recipients on the use of telecommunication
17 devices, outreach efforts, and all other factors listed in the commission's request for
18 proposals.

19 (h) The commission shall establish guidelines for eligibility for participation in the
20 distribution program, taking into consideration a person's certified medical need and
21 prohibiting distribution of telecommunications equipment to any person whose income
22 exceeds 200 percent of the federal poverty level. The commission shall utilize appropriate
23 external expertise, as necessary, to establish these guidelines, including contracting with
24 public agencies or private entities. Funding for any such contracts will be covered by the
25 \$0.05 portion of the monthly surcharge utilized for the telecommunications equipment
26 distribution program.

27 (i) The commission shall establish a telecommunications equipment distribution program
28 advisory committee to provide input on program operation and the types of equipment to
29 be, and being, distributed by the program. The commission shall select the equipment to
30 be distributed by the program and shall incorporate this selection into the commission's
31 request for proposals for a distribution agency.

32 (j) The commission shall provide that the dual party telephone relay telephone system shall
33 be operational no later than July 1, 1991, and that the telecommunications equipment
34 distribution program shall be operational no later than March 31, 2003."

35 SECTION 2.

36 All laws and parts of laws in conflict with this Act are repealed.