

The House Committee on Health & Human Services offers the following substitute to HB 1055:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1A of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia  
2 Annotated, relating to the telephone system for the physically impaired, so as to provide for  
3 the establishment of a state-wide telecommunication system capable of providing audible  
4 universal information access services to blind and print disabled citizens; to authorize the  
5 Public Service Commission to contract for the administration and operation of such system;  
6 to provide for the use of a portion of the monthly maintenance surcharge to be used to fund  
7 such system; to provide for immunity for the commission and for the providers of such  
8 system; to establish criteria for the selection of a service provider; to provide for eligibility  
9 guidelines and funding for the audible universal information access service; to set a date for  
10 the beginning operation of such system; to provide for related matters; to repeal conflicting  
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Part 1A of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,  
15 relating to the telephone system for the physically impaired, is amended by striking Code  
16 Section 46-5-30, relating to establishment, administration, and operation of state-wide dual  
17 party relay service, and inserting in its place the following:

18 "46-5-30.

19 (a) The General Assembly finds and declares that it is in the public interest to provide  
20 basic telecommunication services to all citizens of this state who, because of physical  
21 impairments, particularly hearing and speech impairments, cannot otherwise communicate  
22 over the telephone. It is further in the public interest to take advantage of innovative  
23 technological uses of basic telecommunications services to allow for universal access to  
24 information by blind and otherwise print disabled citizens of this state.

25 (b) The commission shall establish, implement, administer, and promote a state-wide  
26 single provider dual party relay service operating seven days per week, 24 hours per day,

1 and contract for the administration and operation of such relay service. The commission  
2 shall also establish, implement, administer, and promote a state-wide audible universal  
3 information access service operating seven days per week and 24 hours per day and shall  
4 contract for the administration and operation of such information access service. The  
5 commission shall ~~also~~ further establish, implement, administer, and promote a  
6 telecommunications equipment distribution program and contract for the administration  
7 and operation of such program.

8 (c) The commission shall require all local exchange telephone companies in this state,  
9 except those operated by telephone membership corporations, to impose a monthly  
10 maintenance surcharge on all residential and business local exchange access facilities. For  
11 the purpose of this subsection, 'exchange access facility' means the access from a particular  
12 telephone subscriber's premise to the telephone system of a local exchange telephone  
13 company. 'Exchange access facility' includes local exchange company provided access  
14 lines, private branch exchange trunks, and centrex network access registers, all as defined  
15 by tariffs of telephone companies as approved by the commission. The amount of the  
16 surcharge shall be determined by the commission based upon the amount of funding  
17 necessary to accomplish the purposes of this Code section and provide the services on an  
18 ongoing basis; however, in no case shall the amount exceed 20¢ per month. A maximum  
19 of \$0.05 of this monthly surcharge per access line shall be utilized for a  
20 telecommunications equipment distribution program and a maximum of \$0.01 of this  
21 monthly surcharge per access line shall be utilized to fund an audible universal information  
22 access service. If the projected cost of the operation of the relay service exceeds a monthly  
23 surcharge of \$0.15 at any time, funding for the telecommunications equipment distribution  
24 program and the audible universal information access service will be reduced by the  
25 amount required to fully fund the relay service, under the existing cap of \$0.20 for the  
26 period of time necessary. No additional fees other than the surcharge authorized by this  
27 subsection shall be imposed on any user of such relay or information access service. The  
28 local exchange companies shall collect the surcharge from their customers and transfer the  
29 moneys collected to a special fund to be held separate from all other funds. The fund shall  
30 be used solely for the administration and operation of the relay service, the information  
31 access service, and the telecommunications equipment distribution program and shall not  
32 be imposed, collected, or expended for any other purpose.

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

1 (1) The relay center shall not maintain any form of permanent copies of messages  
 2 relayed by their operators or allow the content of telephone messages to be  
 3 communicated to, or accessible to, nonstaff members;

4 (2) Persons using the relay services shall not be required to provide any personal  
 5 identifying information until the party they are calling is on the line, and shall only be  
 6 required to identify themselves to the extent necessary to fulfill the purpose of their call;

7 (3) Relay operators shall not leave messages with third parties unless instructed to do so  
 8 by the person making the call;

9 (4) Relay operators shall not intentionally alter a relayed conversation; and

10 (5) Relay operators shall not refuse calls or limit the length of calls.

11 (e) Neither the commission nor the ~~provider~~ providers of the dual party relay system  
 12 service or the audible universal information access service nor, except in cases of willful  
 13 misconduct, gross negligence, or bad faith, the employees of the providers of the dual party  
 14 relay system service or the audible universal information access service shall be liable for  
 15 any claims, actions, damages, or causes of action arising out of or resulting from the  
 16 establishment, participation in, or operation of the dual party relay system service or the  
 17 audible universal information access service.

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

24 (f.1) The commission shall select the service provider which will provide and manage the  
 25 audible universal information access service and award the contract for this service to the  
 26 offerer whose proposal is the most advantageous to the state, considering price, the  
 27 interests of the blind and print disabled community in having access to a high quality and  
 28 technologically advanced interactive audible universal information access system,  
 29 maintaining such system, and receiving training on the use of such service, outreach  
 30 efforts, and all other factors listed in the commission's request for proposals.

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

1 (h) The commission shall establish guidelines for eligibility for participation in the  
2 distribution program, taking into consideration a person's certified medical need and  
3 prohibiting distribution of telecommunications equipment to any person whose income  
4 exceeds 200 percent of the federal poverty level. The commission shall utilize appropriate  
5 external expertise, as necessary, to establish these guidelines, including contracting with  
6 public agencies or private entities. Funding for any such contracts will be covered by the  
7 \$0.05 portion of the monthly surcharge utilized for the telecommunications equipment  
8 distribution program.

9 (i) The commission shall establish eligibility guidelines for participation in the audible  
10 universal information access service, taking into account a person's certified medical need.  
11 The commission shall utilize appropriate external expertise, as necessary, to establish these  
12 guidelines, including contracting with public agencies or private entities. Funding for such  
13 contracts will be covered by the \$0.01 portion of the monthly surcharge utilized for the  
14 audible universal information access service.

15 ~~(i)~~(j) The commission shall establish a telecommunications equipment distribution  
16 program advisory committee to provide input on program operation and the types of  
17 equipment to be, and being, distributed by the program. The commission shall select the  
18 equipment to be distributed by the program and shall incorporate this selection into the  
19 commission's request for proposals for a distribution agency.

20 ~~(j)~~(k) The commission shall provide that the dual party telephone relay telephone system  
21 shall be operational no later than July 1, 1991, ~~and~~ that the telecommunications equipment  
22 distribution program shall be operational no later than March 31, 2003, and the audible  
23 universal information access service shall be operational no later than July 1, 2005."

## 24 SECTION 2.

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