

Senators Balfour of the 9th, Williams of the 19th and Adelman of the 42nd offered the following substitute to HB 669:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"46-5-30.

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

(b) The commission shall establish, implement, administer, and promote a state-wide 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 shall award the contract for this service
26 to the 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, the
29 maintenance of such system, the training provided 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.

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

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

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

~~(j)~~(k) The commission shall provide that the dual party telephone relay telephone system shall be operational no later than July 1, 1991, ~~and~~ that the telecommunications equipment distribution program shall be operational no later than March 31, 2003, and the audible universal information access service shall be operational no later than July 1, 2006."

SECTION 2.

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