

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 79

Session of  
2003

INTRODUCED BY MOWERY, LOGAN, RAFFERTY, TARTAGLIONE, COSTA,  
KITCHEN, ROBBINS, SCHWARTZ, WAUGH, M. WHITE, EARLL,  
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AND O'PAKE, JANUARY 27, 2003

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 2004

AN ACT

1 Amending the act of July 6, 1995 (P.L.255, No.34), entitled "An  
2 act providing for dual party relay services and for  
3 telecommunication device distribution," expanding the scope  
4 of the act; further providing for definitions; providing for  
5 establishment of the Print Media Access System Program;  
6 further providing for establishment of dual party relay  
7 service; and making editorial changes.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The title and section 1 of the act of July 6,  
11 1995 (P.L.255, No.34), known as the Dual Party Relay Service and  
12 Telecommunication Device Distribution Program Act, are amended  
13 to read:

14 AN ACT

15 Providing for [dual party relay services and for  
16 telecommunication device distribution] Universal  
17 Telecommunications and Print Media Access.

18 Section 1. Short title.

1 This act shall be known and may be cited as the [Dual Party  
2 Relay Service and Telecommunication Device Distribution Program  
3 Act] Universal Telecommunications and Print Media Access Act.

4 Section 2. Section 2 of the act, amended December 9, 2002  
5 (P.L.1438, No.182), is amended to read:

6 Section 2. Definitions.

7 The following words and phrases when used in this act shall  
8 have the meanings given to them in this section unless the  
9 context clearly indicates otherwise:

10 "Center for independent living." A consumer-controlled,  
11 community-based, cross-disability, nonresidential private,  
12 nonprofit agency that is designed and operated within a local  
13 community by people with disabilities and provides an array of  
14 independent living services, as defined by the Rehabilitation  
15 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

16 "Commission." The Pennsylvania Public Utility Commission.

17 "Department." The Department of Labor and Industry of the  
18 Commonwealth.

19 "Persons who are blind." Any person who is legally blind or  
20 any person who is eligible to receive services from the National  
21 Library Service for the Blind and Physically Handicapped.

22 "Persons with a disability" or "people with disabilities." A  
23 person certified by a licensed physician, audiologist, speech  
24 pathologist or a qualified State agency:

25 (1) As being deaf, deaf-blind, hard of hearing, having a  
26 hearing loss or being speech impaired.

27 (2) As having a disability and who requires technology  
28 to independently access telecommunications services.

29 ["Program." The Telecommunication Device Distribution  
30 Program established under this act.]

1     "Print Media Access System." Any nationwide or Statewide  
2     telephone access service that provides access to national and  
3     local newspapers to persons who are blind.

4     "Print Media Access System Program." The Print Media Access  
5     System Program established under section 3.1.

6     "Telecommunication device." Equipment necessary for a person  
7     with a disability to engage in communication by wire or radio  
8     with another person with a disability or with a hearing  
9     individual.

10    "Telecommunication Device Distribution Program." The  
11    Telecommunication Device Distribution Program established under  
12    section 3.

13    "Telecommunication relay service." Telephone transmission  
14    services that provide the ability for a person with a disability  
15    to engage in communication by wire or radio with a hearing  
16    individual in a manner that is functionally equivalent to the  
17    ability of a person who does not have a disability to  
18    communicate using voice communication services by wire or radio.  
19    The term includes services that enable two-way communication  
20    between an individual who uses a telecommunication device or  
21    other nonvoice terminal device and an individual who does not  
22    use such a device.

23    Section 3. Section 3(b) of the act is amended to read:

24    Section 3. Establishment of Telecommunication Device  
25                   Distribution Program.

26    \* \* \*

27    (b) Administration.--The executive director of the Office of  
28    Vocational Rehabilitation of the department, in cooperation with  
29    other State agencies which serve people with disabilities, shall  
30    oversee implementation of the [program] Telecommunications

1 Device Distribution Program. To this end, the executive director  
2 may do any of the following:

3 (1) Establish criteria of eligibility in accordance with  
4 subsection (c) and adopt regulations and forms consistent  
5 with the act of July 31, 1968 (P.L.769, No.240), referred to  
6 as the Commonwealth Documents Law.

7 (2) Facilitate coordination of funds required for the  
8 distribution system with selected centers for independent  
9 living or selected not-for-profit agencies having experience  
10 in serving persons with hearing or speech disabilities.

11 (3) Determine, in cooperation with other State agencies,  
12 the funds required for the distribution system and provide  
13 information to the commission as required under section 4.

14 \* \* \*

15 Section 4. The act is amended by adding a section to read:

16 Section 3.1. Establishment of a Print Media Access System  
17 Program.

18 (a) Establishment.--The Print Media Access System Program is  
19 hereby established. It shall be a program whereby telephone  
20 access to print media access systems for persons who are blind  
21 is provided to the user.

22 (b) Administration.--The executive director of the Office of  
23 Vocational Rehabilitation of the department, in cooperation with  
24 other State agencies which serve people with disabilities, shall  
25 oversee implementation of the Print Media Access System Program.  
26 To this end, the executive director may do any of the following:

27 (1) Establish criteria of eligibility and adopt  
28 regulations and forms consistent with the act of July 31,  
29 1968 (P.L.769, No.240), referred to as the Commonwealth  
30 Documents Law.

1           (2) Facilitate the enrollment and training of Print  
2           Media Access System Program user.

3           (3) Coordinate with newspapers to facilitate the  
4           inclusion of additional newspapers and the maintenance of  
5           existing newspapers.

6           (4) Determine, in cooperation with other State agencies,  
7           the funds required for the maintenance of the Print Media  
8           Access System Program and provide information.

9           (5) Identify and seek grant funding for the use of the  
10          Print Media Access System Program.

11          (6) Determine what fees, if any, should be charged for  
12          the use of the Print Media Access System Program.

13          (7) Establish criteria for selection and/or change of  
14          the Print Media Access System Program service provider.

15          Section 5. Section 4 of the act is amended to read:

16          Section 4. Establishment of dual party relay service.

17          (a) Telecommunication relay services.--The commission shall  
18          design and implement a telecommunication relay service program  
19          for the Commonwealth that is consistent with and meets or  
20          exceeds the requirements of the Americans with Disabilities Act  
21          of 1990 (Public Law 101-336, 104 Stat. 327).

22          (b) Certification.--The commission is authorized to seek on  
23          behalf of this Commonwealth certification of the  
24          telecommunication relay service program from the Federal  
25          Communications Commission.

26          (c) Additional use of surcharge.--The ~~{program}~~ [PROGRAM           <—  
27          SHALL] Telecommunication Device Distribution Program SHALL BE       <—  
28          FUNDED and the Print Media Access System Program shall MAY be     <—  
29          funded by the Telecommunication Relay Service Program surcharge,  
30          as calculated by the commission on an annual basis under the

1 methodology established by the commission in order entered May  
2 29, 1990, and July 9, 1990, at Docket Number [M900239] M-  
3 00900239, and as subsequently modified by the commission. The  
4 executive director of the Office of Vocational Rehabilitation in  
5 the department shall provide the commission with an annual  
6 budget and supporting information for the purchase of  
7 telecommunication devices for the [program.] Telecommunication  
8 Device Distribution Program. The executive director of the  
9 Bureau of Blindness and Visual Services in the department shall  
10 provide the commission with an annual budget and supporting  
11 information for the Print Media Access System Program. A portion  
12 of the surcharge shall MAY be used to fund the Print Media <—  
13 Access System Program. The surcharge shall not be used to fund  
14 administrative costs of the [program.] Telecommunication Relay  
15 Service Program, Telecommunication Device Distribution Program  
16 or the Print Media Access System Program.

17 (d) Limits on expenditures.--Expenditures for the [program]  
18 Telecommunications Device Distribution Program shall not exceed  
19 collections from the Telecommunication Relay Service Program  
20 surcharge[.] allocated for the Telecommunication Device  
21 Distribution Program. ~~Expenditures~~ ANY EXPENDITURES AUTHORIZED <—  
22 for the Print Media Access System Program shall not exceed  
23 collections from the Telecommunication Relay Service Program  
24 surcharge allocated for the Print Media Access System Program  
25 and any grant funding received for the use of the Print Media  
26 Access System Program.

27 (e) Annual report.--The commission shall prepare and submit  
28 an annual report to the General Assembly on the [program.]  
29 Telecommunication Device Distribution Program and on the Print  
30 Media Access System Program.

1           (1) The report shall include the fiscal status of the  
2     [program] Telecommunication Device Distribution Program and  
3     of the Print Media Access System Program, a statement of the  
4     surcharge level established under subsection (c) and the  
5     revenues produced by the surcharge for allocation to the  
6     Telecommunication Device Distribution Program and to the  
7     Print Media Access System Program, an account of [program]  
8     Telecommunication Device Distribution Program and the Print  
9     Media Access System Program expenses and the fund balance.

10          (2) The executive director of the Office of Vocational  
11     Rehabilitation in the department shall provide the commission  
12     with information on the [program] Telecommunication Device  
13     Distribution Program, including the purchase and distribution  
14     of telecommunication devices, for inclusion in the annual  
15     report to the General Assembly.

16          (2.1) The executive director of the Bureau of Blindness  
17     and Visual Services in the department shall provide the  
18     commission with information on the Print Media Access System  
19     Program, including the annual budget and administration of  
20     the Print Media Access System Program, for inclusion in the  
21     annual report to the General Assembly.

22          (3) If the commission determines any of the information  
23     is proprietary, the information shall be filed under seal and  
24     made available under the terms of an appropriate protective  
25     agreement of the type used in cases before the commission.  
26     Section 6. This act shall take effect in 60 days.