

No. 2004-174

AN ACT

SB 79

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

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

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

AN ACT

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

Section 1. Short title.

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

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

Section 2. Definitions.

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

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

"Commission." The Pennsylvania Public Utility Commission.

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

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

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

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

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

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

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

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

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

"Telecommunication Device Distribution Program." The Telecommunication Device Distribution Program established under section 3.

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

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

Section 3. Establishment of Telecommunication Device Distribution Program.

* * *

(b) Administration.—The executive director of the Office of Vocational Rehabilitation of the department, in cooperation with other State agencies which serve people with disabilities, shall oversee implementation of the **[program] Telecommunication Device Distribution Program**. To this end, the executive director may do any of the following:

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

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

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

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

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

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

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

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

(2) *Facilitate the enrollment and training of Print Media Access System Program users.*

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

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

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

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

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

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

Section 4. Establishment of dual party relay service.

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

(b) *Certification.*—*The commission is authorized to seek on behalf of this Commonwealth certification of the telecommunication relay service program from the Federal Communications Commission.*

(c) *Additional use of surcharge.*—*The [program shall] Telecommunication Device Distribution Program shall be funded and the Print Media Access System Program may be funded by the Telecommunication Relay Service Program surcharge, as calculated by the commission on an annual basis under the methodology established by the commission in order entered May 29, 1990, and July 9, 1990, at Docket Number [M900239] M-00900239, and as subsequently modified by the commission. The executive director of the Office of Vocational Rehabilitation in the department shall provide the commission with an annual budget and supporting information for the purchase of telecommunication devices for the [program.] Telecommunication Device Distribution*

Program. The executive director of the Office of Vocational Rehabilitation of the department shall provide the commission with an annual budget and supporting information for the Print Media Access System Program. A portion of the surcharge may be used to fund the Print Media Access System Program. The surcharge shall not be used to fund administrative costs of the [program.] Telecommunication Relay Service Program, Telecommunication Device Distribution Program or the Print Media Access System Program.

(d) Limits on expenditures.—Expenditures for the [program] *Telecommunication Device Distribution Program* shall not exceed collections from the Telecommunication Relay Service Program surcharge[.] *allocated for the Telecommunication Device Distribution Program. Any expenditures authorized for the Print Media Access System Program shall not exceed collections from the Telecommunication Relay Service Program surcharge allocated for the Print Media Access System Program and any grant funding received for the use of the Print Media Access System Program.*

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

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

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

(2.1) *The executive director of the Office of Vocational Rehabilitation of the department shall provide the commission with information on the Print Media Access System Program, including the annual budget and administration of the Print Media Access System Program, for inclusion in the annual report to the General Assembly.*

(3) If the commission determines any of the information is proprietary, the information shall be filed under seal and made available under the terms of an appropriate protective agreement of the type used in cases before the commission.

Section 6. This act shall take effect in 60 days.

APPROVED—The 29th day of November, A.D. 2004.

EDWARD G. RENDELL