

COMMERCE

SENATE FILE 2072

BY BOLKCOM and DVORSKY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the establishment of a telecommunications  
2 relay service and equipment distribution program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2072  
COMMERCE

1 Section 1. Section 477C.1, Code 2003, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 477C.1 TELECOMMUNICATIONS RELAY SERVICE AND EQUIPMENT  
5 DISTRIBUTION PROGRAM -- PURPOSE.

6 The general assembly finds that the provision of a  
7 statewide telecommunications relay service and equipment  
8 distribution program will further the public interest and  
9 protect the health, safety, and welfare of the people of Iowa  
10 through an increase in the availability of the telephone  
11 system and specialized telecommunications devices. Many  
12 persons who are deaf, hard-of-hearing, speech-impaired, or  
13 have other physical, sensory, mobility, and cognitive  
14 impairments are not able to utilize the telephone system or  
15 telephone equipment without this type of service or such  
16 devices. Therefore, it is the purpose of this chapter to  
17 facilitate the development, operation, promotion, and funding  
18 of a statewide telecommunications relay service, and the  
19 planning, establishment, administration, and promotion of an  
20 equipment distribution program designed to serve the needs of  
21 persons with communication impairments.

22 Sec. 2. Section 477C.2, Code 2003, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 477C.2 DEFINITIONS.

25 As used in this chapter, unless the context otherwise  
26 requires:

27 1. "Board" means the utilities board within the department  
28 of commerce created in section 474.1.

29 2. "Council" means the telecommunications relay council  
30 established in section 477C.5.

31 3. "Person with a communication impairment" means an  
32 individual who has been certified by an appropriate  
33 professional to be deaf, hard-of-hearing, or have a speech,  
34 mobility, cognitive, or other sensory or physical impairment  
35 that limits the individual's ability to use or access a

1 standard telephone for communication.

2 4. "Specialized telecommunications device" means any  
3 assistive, supplemental, or adapted equipment used by a person  
4 with a communication impairment to use or access the telephone  
5 system.

6 5. "Telecommunications relay service" or "relay service"  
7 means a communication service which provides a person with a  
8 communication impairment access to the telephone system  
9 functionally equivalent to the access available to persons who  
10 do not have such impairments.

11 Sec. 3. Section 477C.3, Code 2003, is amended to read as  
12 follows:

13 477C.3 ~~DUAL-PARTY~~ TELECOMMUNICATIONS RELAY SERVICE.

14 With the advice of the council, the board shall plan,  
15 establish, administer, and promote a statewide program to  
16 provide ~~dual-party~~ telecommunications relay service as  
17 follows:

18 1. The board may enter into the necessary contracts and  
19 arrangements with private entities to provide for the delivery  
20 of relay service.

21 2. The relay service, to the extent reasonably possible,  
22 shall allow persons with communication impairments to use the  
23 telephone system in a manner and at a rate equivalent to  
24 persons without-communication who do not have such  
25 impairments.

26 3. The relay service may be provided on a stand-alone  
27 basis within the state, with other states, or with telephone  
28 utilities providing relay service in other states.

29 4. The board may employ additional personnel, pursuant to  
30 section 476.10, to plan, establish, administer, and promote  
31 the relay service.

32 Sec. 4. Section 477C.4, Code 2003, is amended to read as  
33 follows:

34 477C.4 ~~TELECOMMUNICATIONS-DEVICES-FOR-THE-DEAF~~ EQUIPMENT  
35 DISTRIBUTION PROGRAM.

1 With the advice of the council, the board may plan,  
2 establish, administer, and promote a program to secure,  
3 finance, and distribute specialized telecommunications devices  
4 ~~for-the-deaf~~. The board ~~may~~ shall establish eligibility  
5 criteria for persons with a communication impairment to  
6 receive specialized telecommunications devices ~~for-the-deaf~~,  
7 including, but not limited to, requiring certification that  
8 the recipient cannot use the telephone for communication  
9 without a specialized telecommunications device ~~for-the-deaf~~.

10 Sec. 5. Section 477C.5, Code 2003, is amended to read as  
11 follows:

12 477C.5 ~~DUAL-PARTY~~ TELECOMMUNICATIONS RELAY COUNCIL.

13 1. A ~~dual-party~~ telecommunications relay council is  
14 established, consisting of eleven members appointed by the  
15 board. The council shall advise the board on all matters  
16 concerning relay service and equipment distribution programs.

17 2. The council shall consist of:

18 a. Six consumers who ~~have~~ are persons with a communication  
19 impairments impairment.

20 b. Two representatives from telephone companies.

21 c. One representative from the division of deaf services  
22 of the department of human rights.

23 d. One representative from the office of the consumer  
24 advocate of the department of justice.

25 e. One member of the board or a designee of the board.

26 3. Council members who are not state or local government  
27 officers or employees shall be reimbursed for their necessary  
28 and actual expenses incurred in performance of their duties  
29 and shall receive a per diem of fifty dollars when the council  
30 is meeting, payable from moneys available to the board  
31 pursuant to section 477C.7.

32 EXPLANATION

33 This bill provides for the establishment of a  
34 telecommunications relay service and equipment distribution  
35 program. The bill involves terminology changes and an

1 expanded scope from the dual party relay provisions currently  
2 contained within Code chapter 477C.

3 The bill provides a statement of purpose section setting  
4 forth the rationale for the program. The bill provides that a  
5 statewide telecommunications relay service and equipment  
6 distribution program will further the public interest and  
7 protect the health, safety, and welfare of the people of Iowa  
8 through an increase in the availability of the telephone  
9 system and specialized telecommunications devices. The bill  
10 provides that many persons who are deaf, hard-of-hearing,  
11 speech-impaired, or otherwise impaired are not able to utilize  
12 the telephone system or telephone equipment without such a  
13 service or such devices, and that accordingly, the purpose of  
14 the chapter is to facilitate the development, operation,  
15 promotion, and funding of a statewide telecommunications relay  
16 service, and the planning, establishment, administration, and  
17 promotion of an equipment distribution program designed to  
18 serve the needs of persons with communication impairments.

19 The bill provides that references to "dual party" relay  
20 service shall be changed to "telecommunications" relay  
21 service, and changes the definition of "communication  
22 impairment" to a "person with a communication impairment".  
23 The bill provides that a person with a communication  
24 impairment means an individual who has been certified by an  
25 appropriate professional to be deaf, hard-of-hearing, or have  
26 a speech, mobility, cognitive, or other sensory or physical  
27 impairment that limits the individual's ability to use or  
28 access a standard telephone for communication. The bill  
29 provides that a "telecommunications relay service" or "relay  
30 service" means a communication service which provides a person  
31 with a communication impairment access to the telephone system  
32 functionally equivalent to the access available to persons who  
33 do not have such impairments, and that a "specialized  
34 telecommunications device" means any assistive, supplemental,  
35 or adapted equipment used by a person with a communication

1 impairment to use or access the telephone system. The bill  
2 provides for changes in several sections of Code chapter 477C  
3 consistent with these revised definitions.

4 The bill additionally provides that, in regard to the  
5 equipment distribution program, the board shall establish  
6 eligibility criteria for persons to receive specialized  
7 telecommunications devices. Currently, Code section 477C.4  
8 provides that the board "may" establish such criteria. The  
9 bill also provides, in regard to the telecommunications relay  
10 council, that the six consumer members shall be persons with a  
11 communication impairment. Currently, the requirement is  
12 phrased "impairments".

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