

A-Engrossed
Senate Bill 849

Ordered by the Senate May 1
Including Senate Amendments dated May 1

Sponsored by Senator BATES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes] **Directs State Library to administer** audio newspaper service telecommunications program for individuals who are blind or print-disabled.

Directs Public Utility Commission to transfer specified amount for 2009-2011 biennium from Residential Service Protection Fund to State Library Donation Fund for purposes of administering program.

Sunsets **program** January 1, 2020.

Extends sunset of other laws relating to affordable residential telecommunication services to January 1, 2020.

Declares emergency, effective on *[passage]* **July 1, 2009.**

A BILL FOR AN ACT

1
2 Relating to telecommunications; creating new provisions; amending sections 9 and 16, chapter 290,
3 Oregon Laws 1987; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of sections 9 to 14,**
6 **chapter 290, Oregon Laws 1987.**

7 **SECTION 2. The State Library shall administer a statewide audio newspaper service**
8 **telecommunications program to be provided free of charge to persons who are blind and**
9 **persons who are print-disabled. The State Library may establish rules for the program.**

10 **SECTION 3. The Public Utility Commission shall transfer the amount of \$70,000 for the**
11 **2009-2011 biennium from the Residential Service Protection Fund to the State Library Do-**
12 **nation Fund for the purpose of section 2 of this 2009 Act. The commission and the Trustees**
13 **of the State Library shall adopt an interagency agreement governing implementation of this**
14 **section.**

15 **SECTION 4. Section 9, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 872,**
16 **Oregon Laws 1991, section 32, chapter 280, Oregon Laws 1995, section 2, chapter 451, Oregon Laws**
17 **1995, section 1, chapter 384, Oregon Laws 1999, section 1, chapter 28, Oregon Laws 2007, and sec-**
18 **tion 353, chapter 70, Oregon Laws 2007, is amended to read:**

19 **Sec. 9.** As used in sections 9 to 14, chapter 290, Oregon Laws 1987, unless the context requires
20 otherwise:

21 (1) "Adaptive equipment" means equipment that permits a person with a disability, other than
22 a person who is hard of hearing or speech impaired, to communicate effectively on the telephone.

23 (2) "Applicant" means a person who applies for an assistive telecommunication device, adaptive
24 equipment or a signal device.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (3) "Assistive telecommunication device" means a device that utilizes a keyboard, acoustic cou-
2 pler, display screen, Braille display, speakerphone or amplifier to enable people who are deaf, deaf-
3 blind, severely hard of hearing or severely speech impaired to communicate effectively on the
4 telephone.

5 (4) "Audiologist" means a person who has a master's or doctoral degree in audiology and a
6 Certificate of Clinical Competence in audiology from the American Speech-Language-Hearing Asso-
7 ciation.

8 **(5) "Audio newspaper service" means a service that enables persons who are blind and**
9 **persons who are print-disabled to gain access to newspapers and other publications using a**
10 **Touch-Tone telephone.**

11 [(5)] (6) "Deaf" means a profound hearing loss, as determined by an audiologist or a vocational
12 rehabilitation counselor of the Department of Human Services, that requires use of an assistive
13 telecommunication device to communicate effectively on the telephone.

14 [(6)] (7) "Deaf-blind" means a hearing loss and a visual impairment, as determined by a licensed
15 physician and by an audiologist or a vocational rehabilitation counselor of the Department of Hu-
16 man Services, that require use of an assistive telecommunication device to communicate effectively
17 on the telephone.

18 [(7)] (8) "Disability" means a physical condition, as determined by a licensed physician or vo-
19 cational rehabilitation counselor of the Department of Human Services, other than hearing or
20 speech impairment that requires use of adaptive equipment to utilize the telephone.

21 [(8)] (9) "Hearing aid specialist" means a person licensed to deal in hearing aids under ORS
22 chapter 694.

23 **(10) "Person who is blind" has the meaning given that term in ORS 346.110.**

24 **(11) "Person who is print-disabled" means a person, other than a person who is blind,**
25 **who has a disability that requires the person to read material in a format other than**
26 **standard print.**

27 [(9)] (12) "Physician" means an applicant's primary care physician or a medical specialist who
28 is able to determine an applicant's disability and to whom the applicant was referred by the primary
29 care physician.

30 [(10)] (13) "Recipient" means a person who receives adaptive equipment, an assistive telecom-
31 munication device or a signal device.

32 [(11)] (14) "Severely hard of hearing" means a hearing loss, as determined by an audiologist or
33 vocational rehabilitation counselor of the Department of Human Services, that requires use of an
34 assistive telecommunication device to communicate effectively on the telephone.

35 [(12)] (15) "Severely speech impaired" means a speech disability, as determined by a speech-
36 language pathologist or vocational rehabilitation counselor of the Department of Human Services,
37 that requires use of an assistive telecommunication device to communicate effectively on the tele-
38 phone.

39 [(13)] (16) "Signal device" means a mechanical device that alerts a person who is deaf, deaf-blind
40 or severely hard of hearing of an incoming telephone call.

41 [(14)] (17) "Speech-language pathologist" means a person who has a master's degree or equiv-
42 alency in speech-language pathology and a Certificate of Clinical Competence issued by the Ameri-
43 can Speech-Language-Hearing Association.

44 [(15)] (18) "Telecommunications relay center" means a facility authorized by the Public Utility
45 Commission to provide telecommunications relay service.

1 [(16)] (19) “Telecommunications relay service” means the provision of voice and teletype com-
2 munication between users of some assistive telecommunication devices and other parties.

3 **SECTION 5.** Section 16, chapter 290, Oregon Laws 1987, as amended by section 4, chapter 622,
4 Oregon Laws 1991, section 1, chapter 481, Oregon Laws 1997, and section 1, chapter 408, Oregon
5 Laws 2001, is amended to read:

6 **Sec. 16.** Chapter 290, Oregon Laws 1987, is repealed January 1, [2010] **2020**.

7 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
9 **on July 1, 2009.**

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