

# A-Engrossed Senate Bill 111

Ordered by the Senate March 17  
Including Senate Amendments dated March 17

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## 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 statewide audio newspaper service for individuals who are blind or print-disabled.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to audio newspaper services for persons with disabilities; amending sections 9, 10, 11, 12,  
3 13 and 14, chapter 290, Oregon Laws 1987; and declaring an emergency.

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

5 **SECTION 1.** Section 9, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 872,  
6 Oregon Laws 1991, section 32, chapter 280, Oregon Laws 1995, section 2, chapter 451, Oregon Laws  
7 1995, section 1, chapter 384, Oregon Laws 1999, section 1, chapter 28, Oregon Laws 2007, and sec-  
8 tion 353, chapter 70, Oregon Laws 2007, is amended to read:

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

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

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

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

19 (4) "**Audio newspaper service**" means a service that enables persons who are blind and  
20 persons who are print-disabled to gain access to newspapers and other publications using a  
21 touch-tone telephone.

22 [(4)] (5) "Audiologist" means a person who has a master's or doctoral degree in audiology and  
23 a Certificate of Clinical Competence in audiology from the American Speech-Language-Hearing As-  
24 sociation.

25 [(5)] (6) "Deaf" means a profound hearing loss, as determined by an audiologist or a vocational  
26 rehabilitation counselor of the Department of Human Services, that requires use of an assistive  
27 telecommunication device to communicate effectively on the telephone.

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

5        [(7)] (8) “Disability” means a physical condition, as determined by a licensed physician or vo-  
6 cational rehabilitation counselor of the Department of Human Services, other than hearing or  
7 speech impairment that requires use of adaptive equipment to utilize the telephone.

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

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

11        (11) **“Person who is print-disabled” means a person, other than a person who is blind,  
12 who has a disability that requires the person to read material in a format other than  
13 standard print.**

14        [(9)] (12) “Physician” means an applicant’s primary care physician or a medical specialist who  
15 is able to determine an applicant’s disability and to whom the applicant was referred by the primary  
16 care physician.

17        [(10)] (13) “Recipient” means a person who receives adaptive equipment, an assistive telecom-  
18 munication device or a signal device.

19        [(11)] (14) “Severely hard of hearing” means a hearing loss, as determined by an audiologist or  
20 vocational rehabilitation counselor of the Department of Human Services, that requires use of an  
21 assistive telecommunication device to communicate effectively on the telephone.

22        [(12)] (15) “Severely speech impaired” means a speech disability, as determined by a speech-  
23 language pathologist or vocational rehabilitation counselor of the Department of Human Services,  
24 that requires use of an assistive telecommunication device to communicate effectively on the tele-  
25 phone.

26        [(13)] (16) “Signal device” means a mechanical device that alerts a person who is deaf, deaf-blind  
27 or severely hard of hearing of an incoming telephone call.

28        [(14)] (17) “Speech-language pathologist” means a person who has a master’s degree or equiv-  
29 alency in speech-language pathology and a Certificate of Clinical Competence issued by the Ameri-  
30 can Speech-Language-Hearing Association.

31        [(15)] (18) “Telecommunications relay center” means a facility authorized by the Public Utility  
32 Commission to provide telecommunications relay service.

33        [(16)] (19) “Telecommunications relay service” means the provision of voice and teletype com-  
34 munication between users of some assistive telecommunication devices and other parties.

35        **SECTION 2.** Section 10, chapter 290, Oregon Laws 1987, as amended by section 3, chapter 872,  
36 Oregon Laws 1991, section 2, chapter 384, Oregon Laws 1999, and section 354, chapter 70, Oregon  
37 Laws 2007, is amended to read:

38        **Sec. 10.** It is recognized that a large number of people in this state, through no fault of their  
39 own, are unable to utilize telecommunication equipment due to the inability to hear or speak well  
40 enough or due to other disabilities. It is also recognized that present technology is available, but  
41 at significant cost, that would allow these people to utilize telecommunication equipment **and audio**  
42 **newspaper services** in their daily activities. There is, therefore, a need to make available such  
43 technology **and services** in the form of assistive telecommunication devices **and services** and a  
44 telecommunications relay service for people who are deaf, severely hard of hearing or severely  
45 speech impaired or adaptive equipment **and audio newspaper services** for people with disabilities

1 at no additional cost beyond normal telephone service. The provision of assistive telecommunication  
2 devices and a telecommunications relay service or adaptive equipment **and audio newspaper ser-**  
3 **vices** would allow those formerly unable to use **or afford** telecommunication systems to more fully  
4 participate in the activities and programs offered by government and other community agencies, as  
5 well as in their family and social activities. The assistive telecommunication devices or adaptive  
6 equipment would be provided on a loan basis to each recipient, to be returned if the recipient moves  
7 out of the state.

8 **SECTION 3.** Section 11, chapter 290, Oregon Laws 1987, as amended by section 4, chapter 872,  
9 Oregon Laws 1991, section 3, chapter 384, Oregon Laws 1999, and section 355, chapter 70, Oregon  
10 Laws 2007, is amended to read:

11 **Sec. 11.** (1) With the advice of the Telecommunication Devices Access Program Advisory Com-  
12 mittee, the Public Utility Commission shall establish and administer a statewide program to pur-  
13 chase and distribute assistive telecommunication devices to persons who are deaf, severely hard of  
14 hearing, severely speech impaired or deaf-blind and establish a dual party relay system making  
15 telephone service generally available to persons who are deaf, severely hard of hearing, severely  
16 speech impaired or deaf-blind.

17 (2) With the advice of the Telecommunication Devices Access Program Advisory Committee, the  
18 Public Utility Commission shall establish and administer a statewide program to purchase and dis-  
19 tribute adaptive equipment to make telephone service generally available to persons with physical  
20 disabilities.

21 **(3) With the advice of the Telecommunication Devices Access Program Advisory Com-**  
22 **mittee, the Public Utility Commission shall provide a statewide audio newspaper service, to**  
23 **be administered by the State Library with assistance from the Commission for the Blind.**

24 **SECTION 4.** Section 12, chapter 290, Oregon Laws 1987, as amended by section 5, chapter 872,  
25 Oregon Laws 1991, and section 356, chapter 70, Oregon Laws 2007, is amended to read:

26 **Sec. 12.** (1) A Telecommunication Devices Access Program Advisory Committee [*shall be*] **is**  
27 established to advise the Public Utility Commission concerning matters of general development, im-  
28 plementation and administration of the Telecommunication Devices Access Program.

29 (2) The Telecommunication Devices Access Program Advisory Committee **members shall be**  
30 **appointed by the Public Utility Commission, and must** include:

31 (a) [*Nine*] **Ten** consumers including seven who are deaf or hard of hearing, one who is speech  
32 impaired, **one person who is blind** and one who has a disability;

33 (b) One professional in the field of speech impairment, hearing impairment or deafness or disa-  
34 bility;

35 (c) One member of the Public Utility Commission or a designee of the commission; and

36 (d) One representative from those telephone companies interested in providing telecommuni-  
37 cation devices access relay services.

38 **SECTION 5.** Section 13, chapter 290, Oregon Laws 1987, as amended by section 6, chapter 872,  
39 Oregon Laws 1991, and section 4, chapter 384, Oregon Laws 1999, is amended to read:

40 **Sec. 13.** (1) The Public Utility Commission shall employ a coordinator for the Telecommuni-  
41 cation Devices Access Program, who [*shall be*] **is** primarily responsible for:

42 (a) The distribution and maintenance of assistive telecommunication devices and adaptive  
43 equipment;

44 (b) The provision of telecommunications relay services and monitoring of those service provid-  
45 ers; [*and*]

1 (c) Community outreach to locate potential beneficiaries of the Telecommunication Devices Ac-  
2 cess Program[.]; and

3 **(d) The provision of the statewide audio newspaper service, to be administered by the**  
4 **State Library with assistance from the Commission for the Blind.**

5 (2) The commission may contract with any governmental agency, or other entity the commission  
6 considers to be qualified, to assist the commission in the administration of sections 9 to 14, chapter  
7 290, Oregon Laws 1987.

8 **SECTION 6.** Section 14, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 115,  
9 Oregon Laws 1989, section 7, chapter 872, Oregon Laws 1991, section 33, chapter 280, Oregon Laws  
10 1995, section 5, chapter 384, Oregon Laws 1999, section 2, chapter 28, Oregon Laws 2007, and sec-  
11 tion 357, chapter 70, Oregon Laws 2007, is amended to read:

12 **Sec. 14.** (1)(a) In order to be eligible to receive assistive telecommunication devices or adaptive  
13 equipment, individuals must be certified as deaf, severely hard of hearing, severely speech impaired  
14 or deaf-blind by a licensed physician, audiologist, hearing aid specialist, speech-language pathologist  
15 or vocational rehabilitation counselor of the Department of Human Services. Certification implies  
16 that the individual cannot use the telephone for expressive or receptive communication.

17 (b) No more than one assistive telecommunication device or adaptive equipment device shall be  
18 provided to a household. However, two assistive telecommunication devices or adaptive equipment  
19 devices may be provided to a household if more than one eligible person permanently resides in the  
20 household. Households without any assistive telecommunication devices or adaptive equipment shall  
21 be given priority over households with one assistive telecommunication device or adaptive equip-  
22 ment device when such devices are distributed.

23 (c) Sections 9 to 14, chapter 290, Oregon Laws 1987, do not require a telecommunications utility  
24 to provide an assistive telecommunication device to any person in violation of ORS 646.730.

25 (2)(a) In order to be eligible to receive adaptive equipment, individuals must be certified to have  
26 the required disability by a person or agency designated by the Public Utility Commission to make  
27 such certifications. Certification implies that the individual is unable to use the telephone.

28 (b) Sections 9 to 14, chapter 290, Oregon Laws 1987, do not require a telecommunications utility  
29 to provide adaptive equipment to any person in violation of ORS 646.730.

30 **(3) In order to be eligible to receive the statewide audio newspaper service, individuals**  
31 **must be certified by the State Library as eligible to receive Talking Book and Braille library**  
32 **services.**

33 **SECTION 7.** This 2011 Act being necessary for the immediate preservation of the public  
34 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
35 on its passage.

36