

# House Bill 3273

Sponsored by Representatives BERGER, KOMP; Senator MONNES ANDERSON (at the request of National Federation of the Blind of Oregon)

## 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 **as introduced**.

Establishes statewide audio newspaper service for persons 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, section  
8 353, chapter 70, Oregon Laws 2007, section 2, chapter 78, Oregon Laws 2011, and section 1, chapter  
9 264, Oregon Laws 2011, is amended to read:

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

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

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

16 (3) "Assistive telecommunication device" means a device that utilizes a keyboard, acoustic cou-  
17 pler, display screen, Braille display, speakerphone or amplifier to enable people who are deaf, deaf-  
18 blind, hard of hearing or speech impaired to communicate effectively on the 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, licensed physi-  
26 cian, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the Depart-  
27 ment of Human Services, that requires use of an assistive telecommunication device to communicate  
28 effectively on the telephone.

29 [(6)] (7) "Deaf-blind" means a hearing loss and a visual impairment that require use of an  
30 assistive telecommunication device to communicate effectively on the telephone. For purposes of this  
31 subsection:

**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 (a) A hearing loss must be determined by an audiologist, licensed physician, nurse practitioner,  
2 hearing aid specialist or vocational rehabilitation counselor of the Department of Human Services.

3 (b) A visual impairment must be determined by a licensed physician, nurse practitioner, voca-  
4 tional rehabilitation counselor of the Department of Human Services or rehabilitation instructor for  
5 persons who are blind.

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

9 [(8)] (9) “Hard of hearing” means a hearing loss, as determined by an audiologist, licensed phy-  
10 sician, nurse practitioner, hearing aid specialist or vocational rehabilitation counselor of the De-  
11 partment of Human Services, that requires use of an assistive telecommunication device to  
12 communicate effectively on the telephone.

13 [(9)] (10) “Hearing aid specialist” means a person licensed to deal in hearing aids under ORS  
14 chapter 694.

15 [(10)] (11) “Nurse practitioner” has the meaning given that term in ORS 678.010.

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

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

20 [(11)] (14) “Physician” means an applicant’s primary care physician or a medical specialist who  
21 is able to determine an applicant’s disability and to whom the applicant was referred by the primary  
22 care physician.

23 [(12)] (15) “Recipient” means a person who receives adaptive equipment, an assistive telecom-  
24 munication device or a signal device.

25 [(13)] (16) “Rehabilitation instructor for persons who are blind” means an employee of the  
26 Commission for the Blind who:

27 (a) Meets the minimum qualifications set by the commission to assess adult clients referred for  
28 services;

29 (b) Develops individualized training programs; and

30 (c) Instructs and counsels clients of the commission on adapting to sight loss.

31 [(14)] (17) “Signal device” means a mechanical device that alerts a person who is deaf, deaf-blind  
32 or hard of hearing of an incoming telephone call.

33 [(15)] (18) “Speech impaired” means a speech disability, as determined by a licensed physician,  
34 nurse practitioner, speech-language pathologist or vocational rehabilitation counselor of the De-  
35 partment of Human Services, that requires use of an assistive telecommunication device to commu-  
36 nicate effectively on the telephone.

37 [(16)] (19) “Speech-language pathologist” means a person who has a master’s degree or equiv-  
38 alency in speech-language pathology and a Certificate of Clinical Competence issued by the Ameri-  
39 can Speech-Language-Hearing Association.

40 [(17)] (20) “Telecommunications relay center” means a facility authorized by the Public Utility  
41 Commission to provide telecommunications relay service.

42 [(18)] (21) “Telecommunications relay service” means a telephone transmission service that  
43 provides the ability for an individual who has a hearing or speech disability to engage in commu-  
44 nication by wire or radio with a hearing individual in a manner that is functionally equivalent to  
45 the ability of an individual who does not have a hearing or speech disability to communicate using

1 voice communication services by wire or radio. "Telecommunications relay service" includes, but  
 2 is not limited to:

- 3 (a) Services that enable two-way communication between an individual using a text telephone
- 4 or other nonvoice terminal device and an individual not using such a device;
- 5 (b) Speech-to-speech services; and
- 6 (c) Non-English relay services.

7 **SECTION 2.** Section 10, chapter 290, Oregon Laws 1987, as amended by section 3, chapter 872,  
 8 Oregon Laws 1991, section 2, chapter 384, Oregon Laws 1999, section 354, chapter 70, Oregon Laws  
 9 2007, and section 2, chapter 264, Oregon Laws 2011, is amended to read:

10 **Sec. 10.** It is recognized that a large number of people in this state, through no fault of their  
 11 own, are unable to utilize telecommunication equipment due to the inability to hear or speak well  
 12 enough or due to other disabilities **or to utilize newspaper services due to the inability to see**  
 13 **well enough.** It is also recognized that present technology is available, but at significant cost, that  
 14 would allow these people to utilize telecommunication equipment, **or audio newspaper services,** in  
 15 their daily activities. There is, therefore, a need to make available such technology in the form of  
 16 assistive telecommunication devices and a telecommunications relay service for people who are deaf,  
 17 hard of hearing or speech impaired, [or] adaptive equipment for people with disabilities, **or audio**  
 18 **newspaper services for persons who are blind and persons who are print-disabled,** at no addi-  
 19 tional cost beyond normal telephone service. The provision of assistive telecommunication devices  
 20 and a telecommunications relay service, [or] adaptive equipment **or audio newspaper services**  
 21 would allow those formerly unable to use **or afford** telecommunication systems to more fully par-  
 22 ticipate in the activities and programs offered by government and other community agencies, as well  
 23 as in their family and social activities. The assistive telecommunication devices or adaptive equip-  
 24 ment would be provided on a loan basis to each recipient, to be returned if the recipient moves out  
 25 of the state.

26 **SECTION 3.** Section 11, chapter 290, Oregon Laws 1987, as amended by section 4, chapter 872,  
 27 Oregon Laws 1991, section 3, chapter 384, Oregon Laws 1999, section 355, chapter 70, Oregon Laws  
 28 2007, section 3, chapter 78, Oregon Laws 2011, and section 3, chapter 264, Oregon Laws 2011, is  
 29 amended to read:

30 **Sec. 11.** (1) With the advice of the Telecommunication Devices Access Program Advisory Com-  
 31 mittee, the Public Utility Commission shall establish and administer a statewide program to pur-  
 32 chase and distribute assistive telecommunication devices to persons who are deaf, hard of hearing,  
 33 speech impaired or deaf-blind and establish a telecommunications relay service.

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

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

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

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

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

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

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

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

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

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

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

14 (a) The distribution and maintenance of assistive telecommunication devices and adaptive  
15 equipment;

16 (b) The provision of telecommunications relay services and monitoring of those service provid-  
17 ers; [and]

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

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

22 (2) The commission may contract with any governmental agency, or other entity the commission  
23 considers to be qualified, to assist the commission in the administration of sections 9 to 14, chapter  
24 290, Oregon Laws 1987.

25 **SECTION 6.** Section 14, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 115,  
26 Oregon Laws 1989, section 7, chapter 872, Oregon Laws 1991, section 33, chapter 280, Oregon Laws  
27 1995, section 5, chapter 384, Oregon Laws 1999, section 2, chapter 28, Oregon Laws 2007, section  
28 357, chapter 70, Oregon Laws 2007, and section 4, chapter 264, Oregon Laws 2011, is amended to  
29 read:

30 **Sec. 14.** (1)(a) In order to be eligible to receive assistive telecommunication devices or adaptive  
31 equipment, individuals must be certified as deaf, hard of hearing, speech impaired or deaf-blind by  
32 a licensed physician, nurse practitioner, audiologist, hearing aid specialist, speech-language  
33 pathologist, rehabilitation instructor for persons who are blind or vocational rehabilitation counse-  
34 lator of the Department of Human Services. Certification implies that the individual cannot use the  
35 telephone for expressive or receptive communication.

36 (b) No more than one assistive telecommunication device or adaptive equipment device may be  
37 provided to a household. However, two assistive telecommunication devices or adaptive equipment  
38 devices may be provided to a household if more than one eligible person permanently resides in the  
39 household. Households without any assistive telecommunication devices or adaptive equipment shall  
40 be given priority over households with one assistive telecommunication device or adaptive equip-  
41 ment device when such devices are distributed.

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

44 (2)(a) In order to be eligible to receive adaptive equipment, individuals must be certified to have  
45 the required disability by a person or agency designated by the Public Utility Commission to make

1 such certifications. Certification implies that the individual is unable to use the telephone.

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

4 **(3) In order to be eligible to receive the statewide audio newspaper service, individuals**  
5 **must be certified by the State Library as eligible to receive the library's talking book and**  
6 **Braille services.**

7 **SECTION 7. This 2013 Act being necessary for the immediate preservation of the public**  
8 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
9 **on its passage.**

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