

D R A F T

SUMMARY

Establishes Deaf, Deaf-Blind and Hard of Hearing Fund. Continuously appropriates moneys in fund to Department of Human Services for purpose of administering programs of department for individuals who are deaf, deaf-blind or hard of hearing.

Directs Public Utility Commission to transfer certain amount of residential service protection and assistive telecommunication devices surcharge moneys, not to exceed \$500,000 per year, to fund. Requires commission and department to enter into agreement to specify amount of moneys to be transferred and to establish plan for biennial reduction in moneys transferred.

Directs department to develop and issue request for proposals for, and to select, eligible nonprofit organization to provide services funded through fund. Requires department to select nonprofit organization no later than January 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to hearing impairment; creating new provisions; amending ORS
3 759.685; and prescribing an effective date.

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

5 **SECTION 1. (1) The Deaf, Deaf-Blind and Hard of Hearing Fund is**
6 **established in the State Treasury, separate and distinct from the**
7 **General Fund. Interest earned by the Deaf, Deaf-Blind and Hard of**
8 **Hearing Fund shall be credited to the fund. All moneys in the Deaf,**
9 **Deaf-Blind and Hard of Hearing Fund are continuously appropriated**
10 **to the Department of Human Services for the purpose of administering**
11 **programs of the department for individuals who are deaf, deaf-blind**
12 **or hard of hearing.**

1 **(2) The Deaf, Deaf-Blind and Hard of Hearing Fund consists of all**
2 **moneys credited to the fund, including:**

3 **(a) Moneys received from the federal government for purposes re-**
4 **lated to the administration of programs for individuals who are deaf,**
5 **deaf-blind or hard of hearing;**

6 **(b) Moneys appropriated or transferred to the fund by the Legisla-**
7 **tive Assembly; and**

8 **(c) Moneys designated to be transferred to the fund under the laws**
9 **of the state.**

10 **SECTION 2. (1) From moneys collected as a surcharge under ORS**
11 **759.685, the Public Utility Commission shall annually transfer an**
12 **amount of moneys, not to exceed \$500,000, to the Deaf, Deaf-Blind and**
13 **Hard of Hearing Fund established under section 1 of this 2021 Act as**
14 **is necessary to fund programs of the Department of Human Services**
15 **for individuals who are deaf, deaf-blind or hard of hearing.**

16 **(2) For purposes of making a transfer under this section, the com-**
17 **mission and the department shall enter into an agreement that:**

18 **(a) Specifies the amount of moneys to be transferred and the pur-**
19 **poses for which the moneys may be spent; and**

20 **(b) Establishes a plan for a biennial reduction in moneys trans-**
21 **ferred pursuant to this section.**

22 **SECTION 3. (1) The Department of Human Services shall develop**
23 **and issue a request for proposals for, and select, an eligible nonprofit**
24 **organization to provide services, to be funded through the Deaf,**
25 **Deaf-Blind and Hard of Hearing Fund established under section 1 of**
26 **this 2021 Act, for individuals who are deaf, deaf-blind or hard of hear-**
27 **ing.**

28 **(2) The department shall complete selection of an eligible nonprofit**
29 **organization pursuant to subsection (1) of this section no later than**
30 **January 1, 2022.**

31 **SECTION 4. ORS 759.685 is amended to read:**

1 759.685. (1)(a) In order to fund the programs provided **for** in sections 2 to
2 6, chapter 290, Oregon Laws 1987, and ORS 759.693 to 759.698[,] **and sections**
3 **1 and 2 of this 2021 Act**, the Public Utility Commission shall develop and
4 implement a system for assessing a surcharge in an amount not to exceed
5 35 cents per month against each paying retail subscriber who has telecom-
6 munications service, or who has interconnected voice over internet protocol
7 service, with access to a telecommunications relay service. The commission
8 shall apply the surcharge on a telecommunications circuit designated for a
9 particular subscriber. One subscriber line must be counted for each circuit
10 that is capable of generating usage on the line side of the switched network
11 regardless of the quantity of customer premises equipment connected to each
12 circuit. For providers of central office based services, the surcharge must be
13 applied to each line that has unrestricted connection to the telecommuni-
14 cations relay service or, for lines that have restricted access to the tele-
15 communications relay service, on the basis of software design. For cellular,
16 wireless or other radio common carriers, the surcharge must be applied on
17 a per instrument basis and only to subscribers whose place of primary use,
18 as defined and determined under 4 U.S.C. 116 to 126, is within this state.

19 (b) For purposes of this subsection, the commission shall adopt by rule
20 the definition for “interconnected voice over internet protocol service.” The
21 rule defining “interconnected voice over internet protocol service” must be
22 consistent with the definition for “interconnected VoIP service” in 47 C.F.R.
23 9.3.

24 (2) The surcharge imposed by subsection (1) of this section does not apply
25 to:

26 (a) Services upon which the state is prohibited from imposing the sur-
27 charge by the Constitution or laws of the United States or the Constitution
28 or laws of the State of Oregon.

29 (b) Interconnection between telecommunications utilities, telecommuni-
30 cations cooperatives, competitive telecommunications services providers cer-
31 tified under ORS 759.020, radio common carriers and interexchange carriers.

1 (3) The commission annually shall review the surcharge and the balance
2 in the Residential Service Protection Fund established under ORS 759.687
3 and may make adjustments to the amount of the surcharge to ensure that the
4 fund has adequate resources, provided that the fund balance does not exceed
5 six months of projected expenses.

6 (4) Moneys collected pursuant to the surcharge may not be considered in
7 any proceeding to establish rates for telecommunication service.

8 (5) The commission shall direct telecommunications public utilities to
9 identify separately in bills to customers for service the surcharge imposed
10 under this section.

11 (6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue
12 may disclose information received under ORS 403.200 to 403.230 to the com-
13 mission to carry out the provisions of [*chapter 290, Oregon Laws 1987*]
14 **sections 2 to 6, chapter 290, Oregon Laws 1987, and ORS 759.693 to**
15 **759.698.**

16 (7) The commission may disclose information obtained pursuant to [*chap-*
17 *ter 290, Oregon Laws 1987,*] **sections 2 to 6, chapter 290, Oregon Laws**
18 **1987, and ORS 759.693 to 759.698** to the department to administer the tax
19 imposed under ORS 403.200 to 403.230.

20 **SECTION 5.** ORS 759.685, as amended by section 3, chapter 434, Oregon
21 Laws 2017, is amended to read:

22 759.685. (1)(a) In order to fund the [*program described*] **programs pro-**
23 **vided for** in ORS 759.693 to 759.698 **and sections 1 and 2 of this 2021**
24 **Act**, the Public Utility Commission shall develop and implement a system for
25 assessing a surcharge in an amount not to exceed 35 cents per month against
26 each paying retail subscriber who has telecommunications service, or who
27 has interconnected voice over internet protocol service, with access to a
28 telecommunications relay service. The commission shall apply the surcharge
29 on a telecommunications circuit designated for a particular subscriber. One
30 subscriber line must be counted for each circuit that is capable of generating
31 usage on the line side of the switched network regardless of the quantity of

1 customer premises equipment connected to each circuit. For providers of
2 central office based services, the surcharge must be applied to each line that
3 has unrestricted connection to the telecommunications relay service or, for
4 lines that have restricted access to the telecommunications relay service, on
5 the basis of software design. For cellular, wireless or other radio common
6 carriers, the surcharge must be applied on a per instrument basis and only
7 to subscribers whose place of primary use, as defined and determined under
8 4 U.S.C. 116 to 126, is within this state.

9 (b) For purposes of this subsection, the commission shall adopt by rule
10 the definition for “interconnected voice over internet protocol service.” The
11 rule defining “interconnected voice over internet protocol service” must be
12 consistent with the definition for “interconnected VoIP service” in 47 C.F.R.
13 9.3.

14 (2) The surcharge imposed by subsection (1) of this section does not apply
15 to:

16 (a) Services upon which the state is prohibited from imposing the sur-
17 charge by the Constitution or laws of the United States or the Constitution
18 or laws of the State of Oregon.

19 (b) Interconnection between telecommunications utilities, telecommuni-
20 cations cooperatives, competitive telecommunications services providers cer-
21 tified under ORS 759.020, radio common carriers and interexchange carriers.

22 (3) The commission annually shall review the surcharge and the balance
23 in the Residential Service Protection Fund established under ORS 759.687
24 and may make adjustments to the amount of the surcharge to ensure that the
25 fund has adequate resources, provided that the fund balance does not exceed
26 six months of projected expenses.

27 (4) Moneys collected pursuant to the surcharge may not be considered in
28 any proceeding to establish rates for telecommunication service.

29 (5) The commission shall direct telecommunications public utilities to
30 identify separately in bills to customers for service the surcharge imposed
31 under this section.

1 (6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue
2 may disclose information received under ORS 403.200 to 403.230 to the com-
3 mission to carry out the provisions of ORS 759.693 to 759.698.

4 (7) The commission may disclose information obtained pursuant to ORS
5 759.693 to 759.698 to the department to administer the tax imposed under
6 ORS 403.200 to 403.230.

7 **SECTION 6. This 2021 Act takes effect on the 91st day after the date**
8 **on which the 2021 regular session of the Eighty-first Legislative As-**
9 **sembly adjourns sine die.**

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