

# Senate Bill 724

Sponsored by COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH AND RECOVERY

## 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 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 759.685; and prescribing an  
3 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 established in the**  
6 **State Treasury, separate and distinct from the General Fund. Interest earned by the Deaf,**  
7 **Deaf-Blind and Hard of Hearing Fund shall be credited to the fund. All moneys in the Deaf,**  
8 **Deaf-Blind and Hard of Hearing Fund are continuously appropriated to the Department of**  
9 **Human Services for the purpose of administering programs of the department for individuals**  
10 **who are deaf, deaf-blind or hard of hearing.**

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

13 **(a) Moneys received from the federal government for purposes related to the adminis-**  
14 **tration of programs for individuals who are deaf, deaf-blind or hard of hearing;**

15 **(b) Moneys appropriated or transferred to the fund by the Legislative Assembly; and**

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

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

22 **(2) For purposes of making a transfer under this section, the commission and the de-**  
23 **partment shall enter into an agreement that:**

24 **(a) Specifies the amount of moneys to be transferred and the purposes for which the**  
25 **moneys may be spent; and**

26 **(b) Establishes a plan for a biennial reduction in moneys transferred pursuant to this**

**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 **section.**

2 **SECTION 3. (1) The Department of Human Services shall develop and issue a request for**  
 3 **proposals for, and select, an eligible nonprofit organization to provide services, to be funded**  
 4 **through the Deaf, Deaf-Blind and Hard of Hearing Fund established under section 1 of this**  
 5 **2021 Act, for individuals who are deaf, deaf-blind or hard of hearing.**

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

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

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

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

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

28 (a) Services upon which the state is prohibited from imposing the surcharge by the Constitution  
 29 or laws of the United States or the Constitution or laws of the State of Oregon.

30 (b) Interconnection between telecommunications utilities, telecommunications cooperatives,  
 31 competitive telecommunications services providers certified under ORS 759.020, radio common car-  
 32 riers and interexchange carriers.

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

37 (4) Moneys collected pursuant to the surcharge may not be considered in any proceeding to es-  
 38 tablish rates for telecommunication service.

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

41 (6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose infor-  
 42 mation received under ORS 403.200 to 403.230 to the commission to carry out the provisions of  
 43 [chapter 290, Oregon Laws 1987] **sections 2 to 6, chapter 290, Oregon Laws 1987, and ORS 759.693**  
 44 **to 759.698.**

45 (7) The commission may disclose information obtained pursuant to [chapter 290, Oregon Laws

1 1987,] **sections 2 to 6, chapter 290, Oregon Laws 1987, and ORS 759.693 to 759.698** to the de-  
 2 partment to administer the tax imposed under ORS 403.200 to 403.230.

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

5 759.685. (1)(a) In order to fund the [*program described*] **programs provided for** in ORS 759.693  
 6 to 759.698 **and sections 1 and 2 of this 2021 Act**, the Public Utility Commission shall develop and  
 7 implement a system for assessing a surcharge in an amount not to exceed 35 cents per month  
 8 against each paying retail subscriber who has telecommunications service, or who has intercon-  
 9 nected voice over internet protocol service, with access to a telecommunications relay service. The  
 10 commission shall apply the surcharge on a telecommunications circuit designated for a particular  
 11 subscriber. One subscriber line must be counted for each circuit that is capable of generating usage  
 12 on the line side of the switched network regardless of the quantity of customer premises equipment  
 13 connected to each circuit. For providers of central office based services, the surcharge must be ap-  
 14 plied to each line that has unrestricted connection to the telecommunications relay service or, for  
 15 lines that have restricted access to the telecommunications relay service, on the basis of software  
 16 design. For cellular, wireless or other radio common carriers, the surcharge must be applied on a  
 17 per instrument basis and only to subscribers whose place of primary use, as defined and determined  
 18 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 the definition for  
 20 “interconnected voice over internet protocol service.” The rule defining “interconnected voice over  
 21 internet protocol service” must be consistent with the definition for “interconnected VoIP service”  
 22 in 47 C.F.R. 9.3.

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

24 (a) Services upon which the state is prohibited from imposing the surcharge by the Constitution  
 25 or laws of the United States or the Constitution or laws of the State of Oregon.

26 (b) Interconnection between telecommunications utilities, telecommunications cooperatives,  
 27 competitive telecommunications services providers certified under ORS 759.020, radio common car-  
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 30 Service Protection Fund established under ORS 759.687 and may make adjustments to the amount  
 31 of the surcharge to ensure that the fund has adequate resources, provided that the fund balance does  
 32 not exceed six months of projected expenses.

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

37 (6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose infor-  
 38 mation received under ORS 403.200 to 403.230 to the commission to carry out the provisions of ORS  
 39 759.693 to 759.698.

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

42 **SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021**  
 43 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**