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H.429

Introduced by Representatives Wood of Waterbury, Kitzmiller of Montpelier,  
Lanpher of Vergennes, McFaun of Barre Town, Sheldon of  
Middlebury, Squirrell of Underhill, Townsend of South  
Burlington, Troiano of Stannard, and Walz of Barre City

Referred to Committee on

Date:

Subject: Telecommunications; deaf-blind services; communication facilitator  
program

Statement of purpose of bill as introduced: This bill proposes to require the  
Public Service Board to establish a communication facilitator program.

An act relating to establishment of a communication facilitator program

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 30 V.S.A. § 218a is amended to read:~~

~~§ 218a. PERMANENT TELECOMMUNICATIONS RELAY SERVICE;~~

~~COMMUNICATION FACILITATOR PROGRAM~~

~~(a) The Department of Public Service shall develop the necessary standards  
for the establishment of a permanent, statewide telecommunications relay  
service and for an associated equipment program. The standards developed by~~

1 ~~the Department shall be equal to or exceed those standards mandated by the~~  
2 Americans With Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327  
3 (1990)), and expressly require that the designated provider of Vermont's  
4 telecommunications relay services comply, as expeditiously as possible, with  
5 any additional federal regulations which may be promulgated by the Federal  
6 Communications Commission in accordance with the provisions of this  
7 section.

8 (b) The Department of Public Service shall issue a request for proposal  
9 seeking competitive bids from qualified vendors to provide  
10 telecommunications relay services and competitive bids from qualified  
11 vendors to provide telecommunications equipment in accordance with the  
12 provisions of this section, including the standards developed under subsection  
13 (a) of this section. The term of any contract shall not exceed four years.

14 (c) The Department of Public Service may contract with the qualified  
15 bidder offering the most favorable proposal, giving due consideration to costs,  
16 to quality of service, and to the interests of the community of people who are  
17 deaf, hard of hearing, or have speech limitations.

18 (d) The Department of Public Service shall establish a Vermont  
19 Telecommunications Relay Service Advisory Council composed of the  
20 following members: one representative of the Department of Public Service  
21 ~~who shall act as chair and who shall be designated by the Commissioner of~~

1 ~~Public Service; one representative of the Department of Disabilities, Aging,~~  
2 ~~and Independent Living, who shall act as vice chair; two representatives; one~~  
3 ~~representative of the deaf community; one member of the community of~~  
4 ~~people who are hard of hearing or have a speech limitation; one representative~~  
5 ~~of the deaf-blind community; one representative of a company providing local~~  
6 ~~exchange service within the State; and one representative of an organization~~  
7 ~~currently providing telecommunications relay services. The members of the~~  
8 ~~Council shall select a chair from among the members who use the~~  
9 ~~telecommunications relay service or communication facilitator program. The~~  
10 ~~representative of the Department of Public Service shall serve as the vice chair.~~  
11 The members of the Council who are not officers or employees of the State  
12 shall receive per diem compensation and expense reimbursement in amounts  
13 authorized by 32 V.S.A. § 1010(b). The costs of such compensation and  
14 reimbursement, and any other necessary administrative costs shall be included  
15 within the contract entered into under subsection (c) of this section. The  
16 Council shall advise the Department of Public Service and the contractor for  
17 telecommunications relay services on all matters concerning the  
18 implementation and administration of the State's telecommunications relay  
19 service.

20 (e) The Department shall propose and the Board shall establish by rule or  
21 ~~order a telecommunications equipment grant program to assist persons who are~~

1 ~~deaf, deaf-blind, hard of hearing, have a speech limitation, and persons with~~  
2 physical disabilities that limit their ability to use standard telephone equipment  
3 to communicate by telephone. Pursuant to this program a person who is deaf,  
4 deaf-blind, hard of hearing, has a speech limitation, or a person with a physical  
5 disability that limits his or her ability to use standard telephone equipment  
6 whose modified adjusted gross income as defined in 32 V.S.A. § 5829(b)(1)  
7 for the preceding taxable year was less than 200 percent of the official poverty  
8 line established by the U.S. Department of Health and Human Services for a  
9 family of six or the actual number in the family, whichever is greater,  
10 published as of October 1 of the preceding taxable year, may be eligible for a  
11 benefit towards the purchase, upgrade, or repair of equipment used to access  
12 the relay service or otherwise communicate by telephone. The total benefits  
13 allocable under this section shall not exceed \$75,000.00 per year. In adopting  
14 rules, the Board shall consider the following:

- 15 (1) prior benefits;
- 16 (2) degree of functional need;
- 17 (3) income;
- 18 (4) number of applicants;
- 19 (5) disposition of equipment upon change of residence; and
- 20 (6) appropriate limits on per person benefit levels based on the  
21 ~~equipment needed and the income level of the applicant.~~

1 ~~(f) The Department, in consultation with the Agency of Human Services,~~  
2 ~~shall propose and the Board shall establish by rule a communication facilitator~~  
3 ~~program to enable individuals who are deaf-blind to access videophones and~~  
4 ~~video relay services.~~

5 (g) The costs of the State's telecommunications relay service and any  
6 equipment benefit under subsection (e) of this section, as well as the costs of  
7 the communication facilitator program established under subsection (f) of this  
8 section, shall be included as part of the Vermont Universal Service Fund  
9 Program.

10 Sec. 2. EFFECTIVE DATE

11 ~~This act shall take effect on passage.~~

*Sec. 1. 30 V.S.A. § 218a(d) is amended to read:*

*(d) The Department of Public Service shall establish the Vermont Telecommunications Relay Service Advisory Council composed of the following members: one representative of the Department of Public Service, who shall act as chair and who shall be designated by the Commissioner of Public Service; one representative of the Department of Disabilities, Aging, and Independent Living, who shall act as vice chair; two representatives of the deaf community; one member of the community of people who are hard of hearing or have a speech limitation; one representative of a company providing local exchange service within the State; and one representative of an*

*organization currently providing telecommunications relay services. The Council shall elect from among its members a chair and vice chair. Meetings shall be convened at the call of the Chair or a majority of the members of the Council. The Council shall meet not more than six times a year. The members of the Council who are not officers or employees of the State shall receive per diem compensation and expense reimbursement in amounts authorized by 32 V.S.A. § 1010(b). The costs of ~~such~~ the compensation and reimbursement, and any other necessary administrative costs shall be included within the contract entered into under subsection (c) of this section. The Council shall advise the Department of Public Service and the contractor for telecommunications relay services on all matters concerning the implementation and administration of the State's telecommunications relay service.*

*Sec. 2. COMMUNICATION FACILITATOR PROGRAM; STUDY*

*The Commissioner of Public Service, in consultation with the Commissioner of Disabilities, Aging, and Independent Living, shall make findings and recommendations regarding the establishment of a communication facilitator program in Vermont that would enable members of the DeafBlind community to make telephone calls. The Commissioner shall solicit input from representatives or members of the DeafBlind community in Vermont and shall take into consideration similar programs offered in other jurisdictions. The Commissioner's findings shall include the administrative and implementation*

costs of the program; the number of individuals in the DeafBlind community in Vermont; expected participation in the program; and an assessment of whether there are grant opportunities to help defray program costs. The Commissioner's recommendations shall include a funding source for the program. The Commissioner shall report his or her findings and recommendations on or before December 15, 2018 to the House Committees on Energy and Technology and on Human Services and the Senate Committees on Finance and on Health and Welfare.

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on passage.*