

FIRST REGULAR SESSION

SENATE BILL NO. 477

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time February 27, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2170S.011

AN ACT

To repeal sections 209.251 and 209.253, RSMo, and to enact in lieu thereof two new sections relating to the statewide telecommunications equipment distribution program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 209.251 and 209.253, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 209.251 and 209.253, to
3 read as follows:

209.251. As used in sections 209.251 to 209.259, the following terms
2 mean:

3 (1) "Adaptive telecommunications equipment", equipment that translates,
4 enhances or otherwise transforms the receiving or sending of telecommunications
5 into a form accessible to individuals with disabilities. The term adaptive
6 telecommunications equipment includes adaptive telephone equipment and other
7 types of adaptive devices such as computer input and output adaptations necessary
8 for telecommunications access;

9 (2) "Basic telecommunications access line", a telecommunications line
10 which provides service from the telephone company central office to the
11 customer's premises which enables the customer to originate and terminate long
12 distance and local telecommunications;

13 (3) "Commission", the public service commission;

14 (4) "Consumer support and outreach", services that include, but are not
15 limited to, assisting individuals with disabilities or their families or caregivers
16 in the selection of the most appropriate adaptive telecommunications equipment
17 to meet their needs, providing basic training and technical assistance in the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 installation and use of adaptive telecommunications equipment, and development
19 and dissemination of information to increase awareness and use of adaptive
20 telecommunications equipment;

21 (5) "Department", the department of elementary and secondary education;

22 (6) "Eligible subscriber", any individual who has been certified as deaf,
23 **deaf-blind**, hearing-impaired, speech-impaired or as having another disability
24 that causes the inability to use telecommunications equipment and services by a
25 licensed physician, audiologist, speech pathologist, hearing instrument specialist
26 or a qualified agency;

27 (7) "Missouri assistive technology advisory council" or "council", the body
28 which directs the Missouri assistive technology program pursuant to sections
29 161.900 to 161.945;

30 (8) "Program administrator", the entity or entities designated to design
31 the statewide telecommunications equipment distribution program, develop and
32 implement the program policies and procedures, assure delivery of consumer
33 support and outreach and account for and pay all program expenses;

34 (9) "Surcharge", an additional charge which is to be paid by local exchange
35 telephone company subscribers pursuant to the rate recovery mechanism
36 established pursuant to sections 209.255, 209.257 and 209.259 in order to
37 implement the programs described in sections 209.251 to 209.259;

38 (10) "Telecommunications", the transmission of any form of information
39 including, but not limited to, voice, graphics, text, dynamic content, and data
40 structures of all types whether they are in electronic, visual, auditory, optical or
41 any other form;

42 (11) "Telecommunications device for the deaf" or "TDD", a
43 telecommunications device capable of allowing deaf, hearing-impaired or
44 speech-impaired individuals to transmit messages over basic telephone access
45 lines by sending and receiving typed messages.

209.253. 1. The commission shall provide a statewide dual-party system,
2 using third-party intervention to connect deaf, **deaf-blind**, hearing-impaired and
3 speech-impaired persons and offices of organizations representing the deaf, **deaf-**
4 **blind**, hearing-impaired and speech-impaired with telecommunication devices for
5 the deaf (TDDs) **or such devices or services for the deaf-blind** and the
6 telephone system, making available reasonable access to telephone service to
7 eligible subscribers.

8 2. The Missouri assistive technology advisory council shall provide a

9 statewide telecommunications equipment distribution program making available
10 reasonable access to basic telecommunications service for eligible subscribers who
11 are unable to use traditional telecommunications equipment due to disability.

12 3. The program administrator of the statewide telecommunications
13 equipment distribution program shall:

14 (1) Provide consumer support and outreach;

15 (2) Develop administrative procedures to assure an appropriate match
16 between an individual with a disability and adaptive telecommunications
17 equipment **or support services**;

18 (3) Provide a full range of adaptive telecommunications equipment **or**
19 **support services** to meet the needs of individuals with all types of disabilities;

20 (4) Procure and distribute adaptive telecommunications equipment in the
21 most cost-effective manner possible; [and]

22 (5) Expend no less than ten percent of total expenditures for consumer
23 support and outreach and no more than twenty percent of total expenditures for
24 program administration in any fiscal year;

25 **(6) Provide financial assistance to allow individuals whose**
26 **household income is at or below seventy-five percent of the federal**
27 **poverty level to obtain hearing aids if such benefit is not already**
28 **provided for or covered by any other grant, assistance program, or**
29 **private or public insurance under which the individual is receiving**
30 **benefits or services; and**

31 **(7) Provide financial assistance for the use of communication**
32 **facilitators and support service providers for deaf-blind children and**
33 **adults for the purpose of telecommunications services.**

34 4. Missouri public or nonpublic organizations shall be used to deliver
35 consumer support and outreach and administrative services in all contracts and
36 subcontracts for a statewide telecommunications equipment distribution program.

37 5. The Missouri assistive technology advisory council shall be the program
38 administrator for the statewide telecommunications equipment distribution
39 program.

40 6. The Missouri assistive technology advisory council may promulgate
41 rules necessary to implement and administer the telecommunications equipment
42 distribution program, but no rule or portion of a rule promulgated pursuant to the
43 authority of this section shall become effective unless it has been promulgated
44 pursuant to chapter 536.

45 7. The Missouri assistive technology advisory council may enter into
46 contracts as necessary to carry out the telecommunications equipment
47 distribution program, including but not limited to contracts with disability
48 organizations **and support service providers**.

49 8. Nothing in sections 209.251 to 209.259 shall be construed to require the
50 state to purchase, install or maintain equipment on an eligible subscriber's
51 premises which will enable the eligible subscriber to participate in the dual-party
52 relay system.

53 9. Nothing in sections 209.251 to 209.259 shall be construed to require the
54 state to provide adaptive telecommunications equipment at no cost to all eligible
55 subscribers. The Missouri assistive technology advisory council shall adopt
56 procedures to limit eligibility based on financial means, existing access to
57 adaptive telecommunications equipment, prior usage of the equipment
58 distribution program, and other factors deemed appropriate by the program
59 administrator. The scope of the program shall be limited to reasonable access to
60 basic telecommunications as defined by the program administrator, subject to
61 appropriations.

Bill ✓

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