

House Bill 655 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 113th, Holt of the 112th, and Amerson of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to handicapped persons, so as to change certain provisions
3 relating to a definition of a hearing impaired person and the Georgia Service Center for
4 Hearing Impaired Persons; to create the Georgia Commission on Hearing Impaired and Deaf
5 Persons and provide for its members, powers, and duties; to amend Code Section 46-5-30 of
6 the Official Code of Georgia Annotated, relating to the establishment, administration, and
7 operation of a state-wide dual party telecommunications relay service for the hearing and
8 speech impaired, so as to change certain provisions relating to authorized expenditures from
9 the fund; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to general
13 provisions relative to handicapped persons, is amended by revising Code Section 30-1-5,
14 relating to a definition of a hearing impaired person and the Georgia Service Center for
15 Hearing Impaired Persons, as follows:

16 "30-1-5.

17 (a) For purposes of this Code section, the term 'hearing impaired person' means any person
18 ~~whose hearing is totally impaired, is so seriously impaired as to prohibit the person from~~
19 ~~understanding oral communication spoken in a normal conversational tone, or as a result~~
20 ~~of either such impairment is severely speech impaired~~ who, absent the aid of a hearing
21 device, has any degree of impairment in the ability to apprehend sound.

22 ~~(b) The Department of Human Resources shall establish a Georgia Service Center for~~
23 ~~Hearing Impaired Persons. The center shall provide services to hearing impaired persons,~~
24 ~~which services shall include, without being limited to:~~

1 ~~(1) Telecommunications Devices for the Deaf (TDD) relay services using nonhearing~~
 2 ~~impaired third parties to connect hearing impaired persons with nonhearing impaired~~
 3 ~~persons;~~

4 ~~(2) A full range of counseling services to hearing impaired persons and their immediate~~
 5 ~~families including, without being limited to, family, marital, and individual counseling;~~
 6 ~~drug and alcohol abuse support groups; and parenting skills groups; and~~

7 ~~(3) Community outreach services to inform the general public and state and local~~
 8 ~~government agencies regarding the services provided by the center.~~

9 (b)(1)(A) There is created the Georgia Commission on Hearing Impaired and Deaf
 10 Persons, which shall consist of seven members. Five members shall be appointed by
 11 the Governor, one member shall be appointed by the Senate Committee on
 12 Assignments, and one member shall be appointed by the Speaker of the House of
 13 Representatives. At least two of the members shall be hearing impaired persons, and
 14 the remaining five members of the commission shall be selected from among parents
 15 of children who are hearing impaired persons, persons who are involved with hearing
 16 impaired persons or programs, and representatives of private providers of services to
 17 hearing impaired persons. Each commission member shall serve for a three-year term
 18 and until a successor is appointed and qualified. No member shall serve more than two
 19 consecutive terms. Any vacancy on the commission for any reason other than
 20 expiration of term shall be filled in the same manner as the original appointment for the
 21 remainder of the unexpired term.

22 (B) The commission shall select one member as chairperson.

23 (C) The commission shall be attached to the Department of Human Resources for
 24 administrative purposes only as provided by Code Section 50-4-3.

25 (2) Members of the commission shall serve as such without compensation.

26 (3) The commission shall serve as the principal agency of the state to advocate on behalf
 27 of hearing impaired persons by working to ensure those persons have equal access to the
 28 services, programs, and opportunities available to others.

29 (4) The commission shall:

30 (A) Assist hearing impaired persons and parents of hearing impaired persons who are
 31 students in advocating for equal access to services, programs, and opportunities;

32 (B) Advise the Governor, General Assembly, commissioner of human resources, and
 33 commissioner of community health on the development of policies, programs, and
 34 services affecting hearing impaired persons and on the use of appropriate federal and
 35 state moneys for such purposes;

36 (C) Create a public awareness of the special needs and potential of hearing impaired
 37 persons;

1 (D) Provide the Governor, General Assembly, commissioner of human resources, and
2 commissioner of community health with a review of ongoing services, programs, and
3 proposed legislation affecting hearing impaired persons;

4 (E) Advise the Governor, General Assembly, commissioner of human resources, and
5 commissioner of community health on statutes, rules, and policies necessary to ensure
6 that hearing impaired persons have equal access to benefits and services provided to
7 individuals in this state;

8 (F) Recommend to the Governor, General Assembly, commissioner of human
9 resources, and commissioner of community health legislation designed to improve the
10 economic and social conditions of hearing impaired persons in this state;

11 (G) Propose solutions to problems of hearing impaired persons in the areas of
12 education, employment, human rights, human services, health, housing, and other
13 related programs;

14 (H) Work with other state and federal agencies and private organizations to promote
15 economic development for hearing impaired persons; and

16 (I) Coordinate its efforts with other state and local agencies serving hearing impaired
17 persons.

18 (5) The commission may appoint, subject to the availability of funds and approval of the
19 Governor, an executive director who must be experienced in administrative activities and
20 familiar with the problems and needs of hearing impaired persons. The commission may
21 delegate to the executive director any powers and duties under this subsection that do not
22 require commission approval. The executive director may be removed at any time by a
23 majority vote of the commission. The executive director shall coordinate the provision
24 of necessary support services to the commission with the Department of Human
25 Resources. Subject to availability of funds, the executive director may employ and direct
26 staff necessary to carry out commission mandates, policies, activities, and objectives.

27 (6) The commission may contract in its own name. Contracts must be approved by a
28 majority of the members of the commission and executed by the chairperson and the
29 executive director. The commission may apply for, receive, and expend in its own name
30 grants and gifts of money consistent with the powers and duties specified in this
31 subsection.

32 (7) The commission may prepare and distribute periodic reports to the Governor, General
33 Assembly, commissioner of human resources, and commissioner of community health
34 concerning the activities of the commission and the needs and concerns of hearing
35 impaired persons."

SECTION 2.

Code Section 46-5-30 of the Official Code of Georgia Annotated, relating to the establishment, administration, and operation of a state-wide dual party telecommunications relay service for the hearing and speech impaired, is amended by revising subsection (c) as follows:

"(c) The commission shall require all local exchange telephone companies in this state, except those operated by telephone membership corporations, to impose a monthly maintenance surcharge on all residential and business local exchange access facilities. For the purpose of this subsection, 'exchange access facility' means the access from a particular telephone subscriber's premise to the telephone system of a local exchange telephone company. 'Exchange access facility' includes local exchange company provided access lines, private branch exchange trunks, and centrex network access registers, all as defined by tariffs of telephone companies as approved by the commission. The amount of the surcharge shall be determined by the commission based upon the amount of funding necessary to accomplish the purposes of this Code section and provide the services on an ongoing basis; however, in no case shall the amount exceed 20¢ per month. A maximum of 5¢ of this monthly surcharge per access line shall be utilized for a telecommunications equipment distribution program and a maximum of 1¢ of this monthly surcharge per access line shall be utilized to fund an audible universal information access service. If the projected cost of the operation of the relay service exceeds a monthly surcharge of 15¢ at any time, funding for the telecommunications equipment distribution program and the audible universal information access service will be reduced by the amount required to fully fund the relay service, under the existing cap of 20¢ for the period of time necessary. No additional fees other than the surcharge authorized by this subsection shall be imposed on any user of such relay or information access service. The local exchange companies shall collect the surcharge from their customers and transfer the moneys collected to a special fund to be held separate from all other funds. The fund shall be used solely for the administration and operation of the relay service, the information access service, and the telecommunications equipment distribution program and for other hearing technology and shall not be imposed, collected, or expended for any other purpose."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.