

CHAPTER 129**(HB 262)**

AN ACT relating to accessible electronic information for the disabled, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that:

- (1) Approximately eight hundred seventy-four thousand (874,000) Kentuckians have disabilities and, of this number, approximately three hundred thousand (300,000) are blind or visually impaired or have other print impairments that prevent them from using conventional print material;*
- (2) Kentucky fulfills an important responsibility by providing books and magazines prepared in Braille, audio, and large-type formats to eligible blind and disabled persons;*
- (3) The technology, transcription methods, and means of distribution used for these materials are labor-intensive and cannot support rapid dissemination to individuals in rural and urban areas throughout the state;*
- (4) Lack of direct and prompt access to information included in newspapers, magazines, newsletters, schedules, announcements, and other time-sensitive materials limits educational, employment, and independent opportunities, literacy, and full participation in society by blind and disabled persons;*
- (5) This limitation can be overcome through the use of high-speed computer, radio, and telecommunications technology, combined with customized software, providing a practical cost-effective way to convert electronic text-based information into human or synthetic speech suitable for statewide distribution and accessible through radio, a touch-tone telephone, and modern telecommunications technology;*
- (6) Radio, telecommunications, and voice-based information systems are cost-efficient information delivery systems for this state;*
- (7) Federal funds have been used to develop the technology and infrastructure needed for statewide toll-free access to daily newspapers and other timely information of local, state, and national interests, providing an efficient and cost-effective means of reader registration, content acquisition, and intrastate telecommunications support; and*
- (8) Use of this accessible electronic information service will enhance Kentucky's efforts to meet the needs of blind and disabled citizens for access to information that is otherwise available in print, thereby reducing isolation and supporting full integration and equal access for such individuals.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 3 of this Act, unless the context requires otherwise:

- (1) "Accessible electronic information service" means news and other timely information, including but not limited to magazines, newsletters, schedules, announcements, and newspapers, provided to eligible individuals using high-speed computers, radios, and*

telecommunications technology for acquisition of content and rapid distribution in a form appropriate for use by those individuals; and

- (2) *"Blind and disabled persons" means those individuals who are eligible for library loan services through the Library of Congress and the Department for the Blind pursuant to 36 C.F.R. sec. 701.10(b).*

SECTION 3. A NEW SECTION OF KRS CHAPTER 163 IS CREATED TO READ AS FOLLOWS:

- (1) *The Accessible Electronic Information Service Program is created and shall be provided ~~by a nonprofit entity or entities selected~~ by the Department for the Blind ~~through a state bidding process. The Department for the Blind shall administer funding to the nonprofit entity or entities for program services~~. The program shall include:*
- (a) *Intrastate access for eligible persons to read audio editions of newspapers, magazines, newsletters, schedules, announcements, and other information using a touch-tone telephone, radio, or other technologies that produce audio editions by use of computer; and*
 - (b) *A means of program administration and reader registration on the Internet, or by mail, telephone, or any other method providing consumer access.*
- (2) *The program shall:*
- (a) *Provide accessible electronic information services for all eligible blind and disabled persons as defined by subsection (2) of Section 2 of this Act;*
 - (b) *Make maximum use of available state, federal, and other funds by obtaining grants or in-kind support from appropriate programs and securing access to low-cost interstate rates for telecommunications by reimbursement or otherwise.*
- (3)~~*In the competitive bidding process used to select the nonprofit entity, the Department of the Blind shall consider an entity or entities that has previously provided accessible electronic information services to the blind and disabled in Kentucky, and that has the existing technological infrastructure to provide these services.*~~
- (4)~~*The nonprofit entity or entities participating in the accessible electronic information services program shall submit an annual report by October 1 of each year to the Department for the Blind of all services provided. The report shall include but not be limited to:*~~
- ~~(a) *An accounting of funds received;*~~
 - ~~(b) *The types and numbers of people served;*~~
 - ~~(c) *The frequency of which services were accessed;*~~
 - ~~(d) *Recommendations for improvement of the program; and*~~
 - ~~(e) *The types and number of program services for the blind or visually impaired that are currently being offered in Kentucky and are incorporated in the program.*~~
- (5)*The Department for the Blind shall review new technologies and current service programs in Kentucky for the blind and visually impaired that are available to expand audio communication if the department determines that these new technologies will expand access to consumers in a cost-efficient manner. The department may implement*

recommendations from the Department for the Blind State Rehabilitation Council for improving the program.

~~{(6) The Department for the Blind shall prepare an annual report by November 1 of each year that includes the complete report received by each participating nonprofit entity or entities, and any other recommendations of the department for the improvement of the program. This report shall be submitted to the Governor and the Legislative Research Commission.~~

~~SECTION 4. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:~~

~~(1) To support the program created under Section 3 of this Act the Public Service Commission shall require all local exchange telecommunications companies to impose periodic surcharges on bills rendered to all local exchange telecommunications company customers.~~

~~(2) The Public Service Commission, in consultation with the Department for the Blind and the entity or entities participating in the program, shall annually determine the amount of the surcharge based on the amount of funding necessary to support the program created under Section 3 of this Act.~~

~~(3) The amount of the surcharge may be computed as a portion of any other surcharge required under existing law, order, or regulation, but shall not increase the surcharge by more than two cents (\$0.02) per line each month.~~

~~(4) Local exchange telecommunications companies shall remit the amount received from the surcharge to the Department for the Blind, in accordance with a schedule determined by the Public Service Commission not to exceed the amount of contracted services as determined in the competitive bidding process.]~~

Section 4~~{5}~~. This Act shall be known as the "Accessible Electronic Information Act."

Vetoed in part, April 9, 2004. Became law April 10, 2004 without Governor's signature