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## TELECOMMUNICATIONS ACT REVISIONS

**Senate Bill 374 (Substitute H-1)**  
**Sponsor: Sen. Dianne Byrum**

**Senate Committee: Government  
Operations**  
**House Committee: Constitutional and Civil  
Rights**

**First Analysis (7-2-97)**

### ***THE APPARENT PROBLEM:***

The federal Americans With Disabilities Act (ADA), which requires that individuals with disabilities be given the same consideration for employment and public services that individuals without disabilities are given, uses the term "disabilities" rather than "handicaps". Further, the ADA Handbook which is produced by the Equal Employment Opportunity Commission and the Department of Justice to serve as a basic resource document on the ADA, quotes the House Committee on the Judiciary as saying that the term "disabilities" instead of the term "handicaps" better reflects the committee's desire to use the most current terminology and also reflects the preference of persons with disabilities to use that term rather than "handicapped" as has been used in previous laws. Reportedly, many other states have changed or are in the process of changing references to "handicappers" to "disabled". The recent recodification of the Michigan Mental Health Code also reflected the move to replace references to people with various disabilities with person-centered language, such as replacing references to a "mentally ill person" with "a person with a mental illness". It has been suggested that statutes be amended to replace language referring to "handicappers" or "handicapped" with person-centered language.

In a separate matter, the federal Telecommunications Act of 1996 made many important changes to the regulation of telecommunications services in the nation. Among many things, the act requires that telecommunication carriers providing services on an interstate (between states) or an intrastate (state-wide) level provide telecommunications services to eligible schools and libraries at a discount. Carriers can then be reimbursed by the Universal Service Support fund. For elementary and secondary schools, the discount is based on the percentage of students eligible for the federal school lunch program. For libraries, the discount is

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program in the district in which the library is located. The discounts range for interstate services from 20 percent for urban schools and 25 percent for rural schools with less than one percent of eligible students to a 90 percent discount for both urban and rural schools with 75 to 100 percent of eligible students. Discounts would be offered on all commercially available telecommunications services, internal connections, and Internet access.

To be eligible, a school or library would first have to submit a technology plan to the Michigan Department of Education for approval and solicit bids for the desired services. An application, along with the approved plan and accepted bid, would then be submitted to the Universal Service Fund administrator. The carrier would then be reimbursed by the fund for the discount provided to the school or library for both interstate and intrastate services.

However, recent Federal Communications Commission (FCC) rules require that in order to participate in the Universal Service Support program, states must first adopt at least the same discounts for intrastate services as the federal discounts for interstate services. FCC rules have also put an annual cap on the fund of \$2.25 billion, with the last \$250 million reserved for the most needy of schools and libraries. Reportedly, the money will be distributed, beginning January 1, 1998, on a first-come, first-served basis. Originally, the deadline for schools and libraries to submit applications for eligibility was July 1, 1997, but the new FCC rules won't be effective until at least July 17, 1997. Further delays in establishing this new program have resulted in a delay of developing and distributing application forms. Though it is not clear as to when applications must be in for eligibility for the program, what is clear is that the state must adopt, as a minimum, the same discount for intrastate telecommunication services to eligible schools and

libraries as the discount rates for interstate services. According to the Office of Attorney General, the Michigan Public Service Commission may lack the necessary authority to adopt the discounted rates for intrastate services. Therefore, legislation has been proposed to adopt the same discount rates for intrastate telecommunications services as is applicable to interstate services so that Michigan schools and libraries could apply for discounted telecommunications services.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Telecommunications Act to delete the current reference to "handicapper" and replace it with the term "person with disabilities".

The federal Telecommunications Act of 1996 (Public Law 104-104, 110 Stat. 56) requires that telecommunications carriers provide interstate services to elementary and secondary schools and libraries at discounted rates as established by the Federal Communications Commission, and allows the carriers to be reimbursed for the discount. The bill would also amend the act to require that all providers of telecommunications services within the state that receive federal universal service support reimbursement for providing interstate telecommunication services at a discount to eligible elementary and secondary schools and libraries under the federal legislation also provide intrastate telecommunication services at the same discounted rate to eligible elementary schools, secondary schools, and libraries.

MCL 484.2102 et al.

### ***FISCAL IMPLICATIONS:***

According to the Senate Fiscal Agency, the bill's provision to change references in the Michigan Telecommunications Act from "handicapper" to "person with a disability" would have no state or local impact. (5-13-97) According to the House Fiscal Agency, the provision to adopt rates equal to the federal discount for telecommunications services covered under the federal Telecommunications Act of 1996 could result in an indeterminate decrease in state and local costs. (6-30-97)

### ***ARGUMENTS:***

#### ***For:***

Recent years have seen a move across the county to use a more person-centered language in referring to people with disabilities. The bill was originally introduced as part of a 51-bill package to amend many statutes to change the references to "handicapper" or "handicapped" to "a person with a disability" or "disabled" or other

variations, which are terms that are preferred by most people with disabilities.

**For:**

The new Universal Service Support program has the potential of enabling many schools and libraries to update and expand their telecommunications systems by qualifying for discounts from 20 percent up to 90 percent on both interstate and intrastate services. Qualifying services would be any commercially available telecommunications service (e.g., call forwarding and call waiting), internal connections, and Internet access. However, to be eligible to receive the discount from telecommunications carriers, schools and libraries must first submit a technology plan to the Michigan Department of Education and use a competitive bid process to select a carrier. The plan and the selected carrier would then be added to the application to the Universal Services Support program. Telecommunications carriers would be reimbursed from the fund for the interstate and intrastate services provided at a discount to the schools and libraries.

According to recently adopted Federal Communications Commission (FCC) rules, in order for carriers to receive a reimbursement for intrastate services, a state must first adopt, at a minimum, the discount rates set by the FCC for interstate services. Further, the federal Telecommunications Act of 1996 prohibits carriers receiving reimbursement for interstate services provided to schools and libraries in a particular state unless the state first adopts intrastate rates at least equal to the federal rates. A carrier will not provide a discount to a school or library if it is not assured of reimbursement. The FCC directives also set a July 1, 1997 deadline for schools and libraries to make application for the discounts that are scheduled to begin January 1, 1998. However, since the FCC rules were not published in the Federal Register until June 17, 1997, they will not be effective until July 17, 1997. (The rules become final 30 days after publication in the Federal Register.) Therefore, it is expected that schools and libraries will have at least until then to submit applications in order to receive the telecommunications discounts. Due to recent changes in the Michigan Telecommunication Act, the Office of Attorney General has concluded that the Public Service Commission may not have sufficient statutory authority to adopt the discount rates. The bill, therefore, is necessary to provide the framework for Michigan state schools and libraries to be prepared to submit the required applications and receive the discount provided by telecommunications carriers because of the Universal Support Service fund. As it is commonly believed that the fund, which will be capped at \$2.25 billion a year, will be distributed on a first-come, first-served basis, it is all the more important that the necessary framework be

established in a timely fashion so that Michigan schools and libraries will be prepared to meet any federal application deadline that may be announced shortly.

**Response:**

Telecommunications services representatives have voiced support for the narrow focus of the bill which concerns discounts provided to the schools and libraries under the Universal Service Support program, but would oppose opening the Telecommunications Act to other amendments.

**POSITIONS:**

The Telephone Association of Michigan supports the bill. (7-2-97)

AT&T supports the bill with the narrow focus on the Universal Service Support fund. (7-2-97)

Ameritech has no position on the bill at this time. (7-2-97)

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.