

LEGISLATIVE BILL 146

Approved by the Governor May 10, 1995

Introduced by McKenzie, 34; Day, 19; Pedersen, 39

AN ACT relating to telecommunications; to amend sections 86-1302 to 86-1306, Reissue Revised Statutes of Nebraska; to provide for a specialized telecommunications equipment program; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 86-1302, Reissue Revised Statutes of Nebraska, is amended to read:

86-1302. The purpose of the Telecommunications Relay System Act is to provide a statewide telecommunications relay system and a statewide program for distribution of specialized telecommunications equipment for qualified low-income hearing-impaired or speech-impaired persons in Nebraska which enables them to communicate twenty-four hours per day, seven days per week, with other persons who use conventional telephone systems.

Sec. 2. Section 86-1303, Reissue Revised Statutes of Nebraska, is amended to read:

86-1303. For purposes of the Telecommunications Relay System Act:

(1) Commission shall mean the Public Service Commission;

(2) Fund shall mean the Nebraska Telecommunications Relay System Fund;

(3) Household shall mean a family unit whose members are related by birth, marriage, or adoption and who share a common living arrangement;

(4) Personal telephone service shall mean telephone service located in an individual's room and the telephone service account is in the individual's name.

(5) Specialized telecommunications equipment shall mean any telecommunications device enabling hearing-impaired or speech-impaired persons to communicate using conventional telephone systems. Specialized telecommunications equipment shall include, but not be limited to, telecommunications devices for the deaf, signaling devices, and electronic artificial larynx devices; and

(6) ~~(4)~~ Telecommunications relay system shall mean a service permitting full and simultaneous communication between hearing-impaired or speech-impaired persons using specialized telecommunications equipment and other persons using conventional telephone equipment.

Sec. 3. Section 86-1304, Reissue Revised Statutes of Nebraska, is amended to read:

86-1304. There is hereby created the Nebraska Telecommunications Relay System Fund. The fund shall be used to provide a statewide telecommunications relay system and to administer a statewide program to distribute specialized telecommunications equipment to qualified low-income hearing-impaired and speech-impaired persons in Nebraska.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. Section 86-1305, Reissue Revised Statutes of Nebraska, is amended to read:

86-1305. (1)(a) Each telephone company in Nebraska shall collect from each of the telephone subscribers a surcharge not to exceed twenty cents per month on each telephone access line in Nebraska, including cellular telephone service. The surcharge shall only be collected on the first one hundred telephone access lines per subscriber. The companies shall add the surcharge to each subscriber's local telephone bill.

(b) The telephone companies shall not be liable for any surcharge not paid by a subscriber and shall not be obligated to take legal action to collect the surcharge.

(2) Before October 1 of each year, the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the Telecommunications Relay System Act. After the hearing, the commission shall set the surcharge at the level necessary to fund the statewide telecommunications relay system and the specialized telecommunications equipment program for the following year plus a reasonable reserve. The surcharge shall become effective on January 1 following the change. The amount appropriated for the specialized telecommunications equipment program from the fund shall not exceed the revenue generated by one cent of the

surcharge per month.

(3) In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

(4) The proceeds from the surcharge shall be remitted to the commission monthly no later than thirty days after the end of the month in which they were collected together with forms provided by the commission. The commission shall remit the funds to the State Treasurer for credit to the fund.

(5) The commission may require an audit of any telephone company collecting the surcharge pursuant to the act.

Sec. 5. Section 86-1306, Reissue Revised Statutes of Nebraska, is amended to read:

86-1306. (1) The commission shall establish standards, procedures, and training specifications for the telecommunications relay system and shall supervise its operation. The system shall assure prompt and accurate relay of all messages seven days per week, twenty-four hours per day, including holidays, and shall provide at least the following services to all hearing-impaired or speech-impaired persons living in Nebraska who possess specialized telecommunications equipment: ~~(1)~~ (a) Statewide in-state calls with charges for long-distance calls billed to the person making the call in a manner which the commission determines will recover the cost of long-distance calls to the system; ~~(2)~~ (b) out-of-state calls with charges billed to the person making the call; and ~~(3)~~ (c) emergency calls. Any person using the system shall not be charged for access to the system other than charges billed for in-state and out-of-state long-distance service.

(2) The commission shall establish standards and criteria and shall determine the eligibility of qualified low-income hearing-impaired and speech-impaired persons applying for specialized telecommunications equipment, which include the following: (a) Only one person per household may be a recipient of the telecommunications equipment; (b) an applicant shall reside in a household that has telephone service; (c) a recipient of equipment may not reapply for assistance more than once every five years; (d) a nursing home or institution resident is eligible for specialized telecommunications equipment only if he or she has personal telephone service; and (e) the eligibility of applicants shall be based upon income levels not in excess of the poverty level as established by the federal Office of Management and Budget. Applications may be approved if they meet the guidelines established by the commission. The commission shall adopt and promulgate rules and regulations necessary for implementation of the Telecommunications Relay System Act and guidelines for the specialized telecommunications equipment program. The commission may enter into contracts with other agencies or private organizations, which may include the Commission for the Hearing Impaired, to operate the telecommunications relay system and the specialized telecommunications equipment program.

Sec. 6. Original sections 86-1302 to 86-1306, Reissue Revised Statutes of Nebraska, are repealed.