

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 217

Introduced by Fischer, 43.

Read first time January 10, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Telecommunications Relay System Act; to
2 amend sections 86-301, 86-303, and 86-314, Reissue
3 Revised Statutes of Nebraska, and section 86-313, Revised
4 Statutes Cumulative Supplement, 2010; to define and
5 eliminate terms; to change provisions relating to
6 surcharges for wireless service; to state intent; to
7 harmonize provisions; to repeal the original sections;
8 and to outright repeal section 86-309, Reissue Revised
9 Statutes of Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Prepaid wireless service has the same meaning
2 as in section 86-450.02.

3 Sec. 2. Telecommunications company has the same meaning
4 as in section 86-119.

5 Sec. 3. Telecommunications service has the same meaning
6 as in section 86-121.

7 Sec. 4. Wireless carrier has the same meaning as in
8 section 86-456.

9 Sec. 5. Wireless service has the same meaning as in
10 section 86-456.01.

11 Sec. 6. Section 86-301, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 86-301 Sections 86-301 to 86-315 and sections 1 to 5 of
14 this act shall be known and may be cited as the Telecommunications
15 Relay System Act.

16 Sec. 7. Section 86-303, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 86-303 For purposes of the Telecommunications Relay
19 System Act, the definitions found in sections 86-304 to 86-311 and
20 sections 1 to 5 of this act apply.

21 Sec. 8. Section 86-313, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 86-313 (1)(a) ~~Each telephone~~ Except as provided in
24 subdivision (1)(b) of this section and as otherwise provided in this
25 section with respect to prepaid wireless service, each

1 telecommunications company in Nebraska shall collect from each of the
2 ~~telephone subscribers~~ a surcharge not to exceed twenty cents per
3 month on each telephone number or functional equivalent in Nebraska,
4 including wireless service, ~~as defined in section 86-456.01.~~ Except
5 for wireless service and prepaid wireless service, the surcharge
6 shall only be collected on the first one hundred telephone numbers or
7 functional equivalents per subscriber. ~~The companies shall add the~~
8 ~~surcharge to each subscriber's bill.~~

9 (b) ~~The telephone companies are~~ telecommunications
10 company is not liable for any surcharge not paid by a subscriber.

11 (c) Except as otherwise provided in this section, the
12 telecommunications company and wireless carrier shall add the
13 surcharge to each user's billing statement. The surcharge shall
14 appear as a separate line-item charge on the user's billing
15 statement.

16 (d) Except as otherwise provided in this section, if a
17 telecommunications company or wireless carrier resells its service
18 through other entities, each reseller shall collect the surcharge
19 from its customers and shall remit the surcharge in accordance with
20 subsection (4) of this section.

21 (e) It is the intent of the Legislature that each user of
22 prepaid wireless service shall pay an amount comparable to the amount
23 paid by users of telecommunications service and wireless service that
24 is not prepaid to support a statewide telecommunications relay system
25 and the specialized telecommunications equipment program. It is also

1 the intent of the Legislature that whenever possible such amounts are
2 to be collected from any user of prepaid wireless service.

3 (f) The commission shall establish a surcharge comparable
4 to the surcharge assessed on other users of telecommunications
5 service and wireless service and shall develop methods for collection
6 and remittance of such surcharge from a wireless carrier offering
7 prepaid wireless service.

8 (g) The duty to remit any surcharge established pursuant
9 to subdivision (f) of this subsection is the responsibility of the
10 wireless carrier.

11 (2) Before April 1 of each year, the commission shall
12 hold a public hearing to determine the amount of surcharge necessary
13 to carry out the Telecommunications Relay System Act. After the
14 hearing, the commission shall set the surcharge at the level
15 necessary to fund the statewide telecommunications relay system and
16 the specialized telecommunications equipment program for the
17 following year plus a reasonable reserve. The surcharge shall become
18 effective on July 1 following the change.

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

22 (4) Each ~~telephone~~telecommunications company and
23 wireless carrier shall remit the proceeds from the surcharge to the
24 commission. The commission shall remit the funds to the State
25 Treasurer for credit to the fund.

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

3 (6) This section shall not apply to subscribers who have
4 no access to relay service.

5 Sec. 9. Section 86-314, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 86-314 (1) The commission shall establish standards,
8 procedures, and training specifications for the telecommunications
9 relay system and shall supervise its operation. The
10 telecommunications relay system shall assure prompt and accurate
11 relay of all messages seven days per week, twenty-four hours per day,
12 including holidays, to all deaf, hard of hearing, or speech-impaired
13 persons living in Nebraska who possess specialized telecommunications
14 equipment. Any person using the telecommunications relay system shall
15 not be charged for access to such system other than charges billed
16 for instate and out-of-state long-distance telephone service. The
17 telecommunications relay system shall at least provide the following
18 telephone services: (a) Statewide instate calls with charges for
19 long-distance calls billed to the person making the call in a manner
20 which the commission determines will recover the cost of long-
21 distance calls to the system; (b) out-of-state calls with charges
22 billed to the person making the call; and (c) emergency calls.

23 (2) The commission shall establish standards and criteria
24 and shall determine the eligibility of qualified deaf, hard of
25 hearing, and speech-impaired persons applying for specialized

1 telecommunications equipment. The eligible standards and criteria
2 shall include the following: (a) Only one person per household may be
3 a recipient of the telecommunications equipment; (b) an applicant
4 shall reside in a household that has telephone service; (c) a
5 recipient of equipment may not reapply for assistance more than once
6 every five years; and (d) a nursing home or institution resident is
7 eligible for specialized telecommunications equipment only if he or
8 she has ~~personal telephone service.~~ telephone service located in his
9 or her room and the telephone service account is in his or her name.

10 (3) The commission may approve applications for
11 specialized telecommunications equipment if they meet the guidelines
12 established by the commission.

13 (4) The commission shall adopt and promulgate rules and
14 regulations necessary for implementation of the Telecommunications
15 Relay System Act and guidelines for the specialized
16 telecommunications equipment program. The commission may enter into
17 contracts with other agencies or private organizations, which may
18 include the Commission for the Deaf and Hard of Hearing, to operate
19 the telecommunications relay system and the specialized
20 telecommunications equipment program.

21 (5) The Public Service Commission may administratively
22 fine pursuant to section 75-156 any person who violates the act.

23 Sec. 10. Original sections 86-301, 86-303, and 86-314,
24 Reissue Revised Statutes of Nebraska, and section 86-313, Revised
25 Statutes Cumulative Supplement, 2010, are repealed.

1 Sec. 11. The following section is outright repealed:

2 Section 86-309, Reissue Revised Statutes of Nebraska.