

LEGISLATIVE BILL 359

Approved by the Governor March 17, 1999

Introduced by Dw. Pedersen, 39; Suttle, 10

AN ACT relating to communications; to amend section 71-4727, Reissue Revised Statutes of Nebraska, and sections 71-4728, 71-4732, 86-1302 to 86-1304, 86-1306, and 86-1307, Revised Statutes Supplement, 1998; to authorize interpreter services for deaf or hard of hearing persons as prescribed; to authorize fees; to change eligibility criteria for specialized telecommunications equipment; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 71-4727, Reissue Revised Statutes of Nebraska, is amended to read:

71-4727. The commission may employ any ~~other~~ employees, including interpreters, it considers necessary to carry out the purposes of sections 71-4720 to 71-4732.

Sec. 2. Section 71-4728, Revised Statutes Supplement, 1998, is amended to read:

71-4728. The commission shall serve as the principal state agency responsible for monitoring public policies and implementing programs which shall improve the quality and coordination of existing services for deaf or hard of hearing persons and promote the development of new services when necessary. To perform this function the commission shall:

(1) Inventory services available for meeting the problems of persons with a hearing loss and assist such persons in locating and securing such services;

(2) Prepare and maintain a statewide list of persons qualified in various types of interpreting and make this information available to local, state, and federal agencies;

(3) Promote the training of interpreters for deaf or hard of hearing persons;

(4) Provide counseling to deaf or hard of hearing persons or refer such persons to private or governmental agencies which provide counseling services;

(5) Conduct a voluntary census of deaf or hard of hearing persons in Nebraska and compile a current registry;

(6) Promote expanded adult educational opportunities for deaf or hard of hearing persons;

(7) Serve as an agency for the collection of information concerning deaf or hard of hearing persons and for the dispensing of such information to interested persons by collecting studies, compiling bibliographies, gathering information, and conducting research with respect to the education, training, counseling, placement, and social and economic adjustment of deaf or hard of hearing persons and with respect to the causes, diagnosis, treatment, and methods of prevention of impaired hearing;

(8) Appoint advisory or special committees when appropriate for indepth investigations and study of particular problems and receive reports of findings and recommendations;

(9) Assess and monitor programs for services to deaf or hard of hearing persons and make recommendations to those state agencies providing such services regarding changes necessary to improve the quality and coordination of the services;

(10) Make recommendations to the Governor and the Legislature with respect to modification in existing services or establishment of additional services for deaf or hard of hearing persons;

(11) Promote awareness and understanding of the rights of deaf or hard of hearing persons;

(12) Promote statewide communication services for deaf or hard of hearing persons; ~~and~~

(13) Assist deaf or hard of hearing persons in accessing comprehensive mental health, alcoholism, and drug abuse services; and

(14) Provide qualified interpreters in public and private settings for the benefit of deaf or hard of hearing persons, if qualified private-practice interpreters are not available, and establish and collect reasonable fees for such interpreter services.

Sec. 3. Section 71-4732, Revised Statutes Supplement, 1998, is amended to read:

71-4732. There is hereby created a Commission for the Deaf and Hard of Hearing Fund to consist of such funds as the Legislature shall appropriate, ~~and any funds received under section 71-4731, and any fees collected for interpreter services as provided in section 71-4728.~~ The fund shall be used to administer sections 71-4720 to 71-4732, except that money in the fund from fees collected for interpreter services shall be used only for expenses related to the provision of such services. 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. Any money in the Commission for the Hearing Impaired Fund on September 13, 1997, shall be transferred to the Commission for the Deaf and Hard of Hearing Fund.

Sec. 4. Section 86-1302, Revised Statutes Supplement, 1998, 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 voucher program for the provision of specialized telecommunications equipment for qualified ~~low-income hearing-impaired deaf, hard of hearing, 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. 5. Section 86-1303, Revised Statutes Supplement, 1998, is amended to read:

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

(1) Commission shall mean the Public Service Commission;

(2) Deaf shall have the same meaning as in section 71-4720.01;

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

~~(3)~~ (4) Hard of hearing shall have the same meaning as in section 71-4720.01;

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

~~(4)~~ (6) 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)~~ (7) Specialized telecommunications equipment shall mean any telecommunications device enabling ~~hearing-impaired deaf, hard of hearing, 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~~ amplification devices; and

~~(6)~~ (8) Telecommunications relay system shall mean a service permitting full and simultaneous communication between ~~hearing-impaired deaf, hard of hearing, or speech-impaired persons~~ using specialized telecommunications equipment and other persons using conventional telephone equipment.

Sec. 6. Section 86-1304, Revised Statutes Supplement, 1998, 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 voucher program to provide specialized telecommunications equipment to qualified ~~low-income hearing-impaired deaf, hard of hearing, and speech-impaired persons~~ in Nebraska.

Based upon ~~the income levels of the eligible recipients and the price of the equipment~~, vouchers shall be issued by the program administrator to pay private vendors for all or part of the cost of the equipment. After purchase, the recipient is the owner of the equipment and responsible for enforcement of any warranties and repairs.

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. 7. Section 86-1306, Revised Statutes Supplement, 1998, 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 deaf, hard of hearing, or speech-impaired persons~~ living in

Nebraska who possess specialized telecommunications equipment: (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; (b) out-of-state calls with charges billed to the person making the call; and (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 deaf, hard of hearing,~~ 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; and (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 Deaf and Hard of Hearing, to operate the telecommunications relay system and the specialized telecommunications equipment program.

Sec. 8. Section 86-1307, Revised Statutes Supplement, 1998, is amended to read:

86-1307. The commission shall administer the Telecommunications Relay System Act with the advice of a special committee appointed by the Commission for the Deaf and Hard of Hearing. The special committee shall consist of seven members as follows: ~~Two members shall be hearing-impaired persons, one of whom is deaf~~ One member shall be a deaf person; one member shall be a deaf or hard of hearing person; one member shall be a speech-impaired person; one member shall represent the Public Service Commission; one member shall represent the telephone industry; one member shall represent the Commission for the Deaf and Hard of Hearing; and one member shall represent the public.

Sec. 9. Sections 4 to 8 and 11 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 10. Original section 71-4727, Reissue Revised Statutes of Nebraska, and sections 71-4728 and 71-4732, Revised Statutes Supplement, 1998, are repealed.

Sec. 11. Original sections 86-1302 to 86-1304, 86-1306, and 86-1307, Revised Statutes Supplement, 1998, are repealed.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.