AN ACT

RELATING TO COMMUNICATIONS; AMENDING SECTIONS OF THE TELECOMMUNICATIONS ACCESS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1.   Section 63-9F-3 NMSA 1978 (being Laws 1993, Chapter 54, Section 3) is amended to read:

"63-9F-3.   DEFINITIONS.--As used in the Telecommunications Access Act:

A.   "commission" means the commission for deaf and hard-of-hearing persons;

B.   "communications assistant" means an individual who translates conversation from text to voice and from voice to text between two end users of a telecommunications service;

C.   "department" means the general services department;

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D.   "impaired" means having an impairment of or deficit in the ability to hear or speak, or both;

E.   "intrastate telephone services" means all charges for access lines, special services and intrastate toll services;

F.   "specialized telecommunications equipment" means devices that when connected to a telephone enable or assist an impaired individual to communicate with another individual using the telephone network;

G.   "telecommunications company" means an individual, corporation, partnership, joint venture, company, firm, association, proprietorship or other entity [which] that provides public telecommunications services, and includes cellular service companies as defined in Subsection B of Section 63-9B-3 NMSA 1978 [but does not include radio-paging service]; and

H.   "telecommunications relay system" means a statewide telecommunications system through which an impaired individual using specialized telecommunications equipment is able to send or receive messages to and from an individual who is not impaired and whose telephone is not equipped with specialized telecommunications equipment and through which the unimpaired individual is able, by using voice communications, to send and receive messages to and from an impaired person."

Section 2.   Section 63-9F-11 NMSA 1978 (being Laws 1993, Chapter 54, Section 11) is amended to read:

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"63-9F-11.   IMPOSITION OF SURCHARGE.--

A.   A telecommunications relay service surcharge of thirty-three one hundredths of one percent is imposed on the gross amount paid by customers for intrastate telephone services provided in this state.   The surcharge shall be included on the monthly bill of each customer of a local exchange company or other telecommunications company providing intrastate telephone services and paid at the time of payment of the monthly bill. Receipts from selling a service to any other telecommunications company or provider for resale shall not be subject to the surcharge.   The customer shall be liable for the payment of this surcharge to the local exchange company or other telecommunications company providing intrastate telephone services to the customer.

B.   Every telecommunications company [except a company contributing to the interstate relay service] providing intrastate telephone services shall be responsible for assessing, collecting and remitting the telecommunications relay service surcharge to the taxation and revenue department.   The amount of the telecommunications relay service surcharge collected by a telecommunications company shall be remitted monthly to the taxation and revenue department, on or before the twenty-fifth of the month following collection, which shall administer and enforce the collection of the surcharge pursuant to the provisions of the Tax Administration Act.

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1   C.   The taxation and revenue department shall remit

2   to the telecommunications access fund the amount of the

3   telecommunications relay service surcharge collected less any

4   amount deducted pursuant to the provisions of Subsection D of

5   this section.   Transfer of the net receipts from the surcharge

6   to the telecommunications access fund shall be made within the

7   month following the month in which the surcharge is collected.

8   D.   The taxation and revenue department may deduct an

9   amount not to exceed three percent of the telecommunications

10   relay service surcharge collected as a charge for the

11   administrative costs of collection, which amount shall be

12   remitted to the state treasurer for deposit in the general fund

13   each month.

14   E.   The general services department shall report to

15   the revenue stabilization and tax policy committee annually by

16   September 30 the following information with respect to the prior

17   fiscal year:

18   (1)   the amount and source of revenue received

19   by the telecommunications access fund;

20   (2)   the amount and category of expenditures

21   from the fund; and

22   (3)   the balance of the fund on that June 30."

23   Section 3.   EFFECTIVE DATE.--The effective date of the

24   provisions of this act is July 1, 1996.

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State of New Mexico

House of Representatives

FORTY-SECOND LEGISLATURE

SECOND SESSION, 1996

February 2, 1996

Mr. Speaker:

   Your **TAXATION AND REVENUE COMMITTEE,** to whom has been referred

HOUSE BILL 55

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

   1. On page 2, line 4, after the first occurrence of "services" insert ", including all calls originating and terminating in the state,".,

and thence referred to the **APPROPRIATIONS AND FINANCE COMMITTEE.**

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2   Respectfully submitted,

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5   _____

6   **Jerry W Sandel, Chairman**

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9 Adopted _____   Not Adopted _____

10

11   (Chief Clerk)   (Chief Clerk)

12   Date _____

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14 The roll call vote was <u>9</u> For <u>0</u> Against

15 Yes: 9

16 Excused: Crook, Gallegos, Lovejoy, Stell

17 Absent: None

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State of New Mexico
House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 5, 1996

Mr. Speaker:

Your **APPROPRIATIONS AND FINANCE COMMITTEE,** to whom has been referred

HOUSE BILL 55, as amended

has had it under consideration and reports same with recommendation that it **DO PASS.**

Respectfully submitted,

_____

Max Coll, Chairman

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2   Adopted _____   Not Adopted _____

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4   (Chief Clerk)   (Chief Clerk)

5   Date _____

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7   The roll call vote was _12_ For _0_ Against

8   Yes: 12

9   Excused: Coll, Gentry, Knowles, Picraux, Taylor, Townsend

10 Absent: none

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13 H0055AF1

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 12, 1996

Mr. President:

Your **WAYS AND MEANS COMMITTEE**, to whom has been referred

HOUSE BILL 55, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**.

Respectfully submitted,

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TITO D. CHAVEZ, Chairman

Adopted_____   Not Adopted_____

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2

3   (Chief Clerk)   (Chief Clerk)

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7   Date _____

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9 The roll call vote was _6_ For _0_ Against

10 Yes: 6

11 No: 0

12 Excused: Campos, Romero

13 Absent: None

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