

## LEGISLATIVE BILL 1044

Approved by the Governor April 18, 1994

Introduced by Vrtiska, 1; Bromm, 23; Engel, 17; Hartnett, 45; Hillman, 48; Withem, 14

AN ACT relating to emergency telephone communications systems; to amend section 86-1003, Revised Statutes Supplement, 1992; to change provisions relating to a surcharge; to provide for notices and a hearing as prescribed; and to repeal the original section.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 86-1003, Revised Statutes Supplement, 1992, be amended to read as follows:

86-1003. (1) A governing body may incur any nonrecurring or recurring charges for the installation, maintenance, and operation of 911 service and shall pay such costs out of general funds which may be supplemented by funds from the imposition of a service surcharge. A governing body incurring costs for 911 service may impose a uniform service surcharge ~~in an amount not to exceed up to fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area. The initial service surcharge may be imposed at any time subsequent to the execution of an agreement for 911 service with a service supplier.~~

(2) Except in a county containing a city of the metropolitan class, such uniform service surcharge in subsection (1) of this section may be increased by an additional amount not to exceed fifty cents per month. Such additional increase shall be made only after:

(a) Publication of notices for a public hearing. Such notices shall:

(i) Be published at least once a week for three consecutive weeks in a legal newspaper published or of general circulation in the areas affected;

(ii) Set forth the time, place, and date of such public hearing; and

(iii) Set forth the purpose of the public hearing and the purpose of the increase; and

(b) A public hearing is held pursuant to such notices.

~~(2)~~ (3) If 911 service is to be provided for a territory which is included in whole or in part in the jurisdiction of two or more governing bodies, the agreement for such service shall be entered into by each such governing body unless any such governing body expressly excludes itself from the agreement. Such an agreement shall provide that each governing body which is a customer of 911 service will pay for its portion of the service. Nothing in this subsection shall be construed to prevent two or more governing bodies from entering into a contract which establishes a separate legal entity for the purpose of entering into such an agreement as the customer of the service supplier or any supplier of equipment for 911 service.

~~(3)~~ (4) If a governing body's 911 service area includes a local exchange area which intersects governmental boundary lines, the affected governmental units may cooperate to provide 911 service through an interlocal agreement as provided in the Interlocal Cooperation Act. The agreement shall provide for the assessment of a uniform service surcharge within a governing body's 911 service area. The service surcharge shall not exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area.

(5) Funds generated by the service surcharge shall be expended only for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications-related services required for the provision of 911 service.

Sec. 2. That original section 86-1003, Revised Statutes Supplement, 1992, is repealed.