



Ninety-Ninth Legislature - Second Session - 2006
Revised Committee Statement
LB 1222

Hearing Date: January 30, 2006

Committee On: Transportation and Telecommunications

Introducer(s): (Transportation and Telecommunications Committee: Baker, Chairperson; Aguilar, Brown, Hudkins, Stuthman)

Title: Change and eliminate provisions relating to telecommunications rates and surcharges

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

5 Yes Senators Aguilar, Brown, Hudkins, Baker and Stuthman

3 No Senators Dw. Pedersen, Foley and Smith

Present, not voting

Absent

Proponents:

Jill Becker
Gerald “Jerry” Vap

Representing:

Introducer, Senator Tom Baker, District #44
Nebraska Public Service Commission

Opponents:

Rob Logsdon

Don Herz
Jack Vavra
Timothy Loewenstein

Representing:

Cox Communications;
Nebraska Cable Communications Association
City of Lincoln
City of York
Buffalo County;
Nebraska Association of County Officials
Police Officers Association of Nebraska;
Police Chiefs Association of Nebraska;
Buffalo County
Douglas County
League of Nebraska Municipalities
Cingular Wireless
Nextel Partners;
Nebraska Colorado Cellular, Inc. dba Viaero
Wireless
City of Omaha
Sprint Nextel

Neil A. Miller

Mike Kelley
Gary Krumland
Larry Ruth
Loel P. Brooks

Jack Cheloha
Chuck Simino

Neutral:
Eric Carstenson
Tom Hamernik

Representing:
Nebraska Telecommunication Association
Clarkson Volunteer Fire Department

Summary of purpose and/or changes:

The bill changes provisions of the Emergency Telephone Communications Systems Act and the Enhanced Wireless 911 Services Act. The committee amendment replaces the bill.

Explanation of amendments, if any:

The committee amendment, AM2238, replaces the bill. The amendment contains the following provisions:

Section 1 amends §86-420 by adding an internal reference.

Section 2 amends §86-428 by striking language that allowed the governing body to determine the level of technology used for 911 service.

Section 3 provides that each public safety answering point (PSAP) shall serve at least two counties or five thousand residents. No county shall have more than one primary PSAP within its boundaries. PSAPs failing to meet these requirements by July 1, 2007, shall not be eligible for cost reimbursement from the state.

Section 4 provides that each 911 service shall be operated and maintained to meet the requirements of the governmental agencies whose services are available through the 911 service. Each emergency 911 call shall be automatically connected to and answered by the appropriate PSAP.

Section 5 provides that each county shall implement enhanced-911 service by July 1, 2008.

Section 6 requires the PSC to designate a 911 coordinator to develop a statewide 911 and E-911 implementation plan and oversee statewide implementation and provide technical assistance and training.

Section 7 allows the PSC to audit the number of subscribers of each carrier and resellers and the amount of surcharge revenue attributable to each subscriber base.

Section 8 provides that the 911 surcharge funds shall be subject to audit by the Auditor of Public Accounts or by the PSC. A copy of all audits by the APA shall be given to the commission.

Section 9 establishes that the names, addresses, and telephone numbers provided to a 911 service are personal information and may be used only for legitimate public purposes. Any person that knowingly permits disclosure of such information shall be guilty of a Class I misdemeanor.

Section 10 requires each governing body to include the service surcharge receipts collected and disbursed for the current fiscal year in its annual budget statement. Receipts and disbursements shall be audited yearly. A copy of each audit report shall be submitted to the APA and the PSC.

Section 11 amends §86-435 by establishing that the landline surcharge shall be assessed at up to one dollar, except that a city of the metropolitan class shall impose a surcharge of up to fifty cents. Language requiring notice and a public hearing is stricken. Subsection (4) provides for the allowable uses of the landline surcharge receipts.

Section 12 amends §86-437(2) by providing that the service supplier must report the number of customers and the amount of service surcharges collected.

Section 13 amends §86-439 by referencing that funds remitted from the service surcharge to be used as provided in §86-435.

Section 14 amends §86-440 to allow any governing body to enter into an agreement with a service supplier of 911 service or E-911 service. A copy of any such agreement shall be sent to the 911 coordinator.

Section 15 amends §86-442 by adding an internal reference.

Section 16 amends §86-443 by adding an internal reference.

Section 17 defines active, prepaid account.

Section 18 defines prepaid customer.

Section 19 amends §86-456 by changing references to the U.S. Code and the Code of Federal Regulations as to the definition of wireless carrier.

Section 20 amends §86-457 by requiring each wireless carrier customer, other than a prepaid customer, to collect a surcharge of up to seventy cents. The term “subscriber” is changed to “customer”. Subsection (2) provides that reseller must collect the surcharge and remit it. Subsection (3) provides a procedure for collecting the surcharge from prepaid customers.

Section 21 amends §86-459 by changing the information that a wireless carrier must report to the commission. Wireless carriers must comply with the enhanced wireless 911 service rules and regulations, regardless of whether the wireless carrier receives reimbursement from the fund. The PSC may administratively fine carriers failing to meet these requirements.

Section 22 amends §86-463 by striking language that allowed the money in the fund to lapse after July 1, 2004.

Section 23 amends §86-465 by allowing the PSC to establish a mechanism for determining the level of funding available to each PSAP and wireless carrier for costs determined to be eligible. Under subsection (2)(a), costs may be reimbursed and may include the costs as listed.

Section 24 amends §86-466 by providing that the level of funding available to each PSAP and wireless carrier for eligible cost compensation may be limited based upon the mechanism established by the commission.

Section 25 amends §86-468 by providing immunity to the PSC, governing bodies and public safety entities, except for intentional acts.

Section 26 provides that if any county does not have enhanced-911 service, the PSC shall designate a PSAP that has enhanced-911 service to receive 911 service telephone calls and dispatch or relay calls to the appropriate emergency services provider until the county has implemented enhanced wireless 911 service.

Section 27 contains a repealer clause.

Section 28 contains the emergency clause.

Senator Tom Baker, Chairperson