

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 661

FINAL READING

Introduced by Transportation and Telecommunications Committee:
Fischer, 43, Chairperson; Aguilar, 35; Louden, 49;
Pedersen, 39; Schimek, 27; Mines, 18

Read first time January 17, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to telecommunications; to amend sections
2 86-125, 86-140, 86-313, 86-316, 86-318, 86-322,
3 86-323, 86-420, 86-422, 86-433, 86-434, 86-435,
4 86-436, 86-442, 86-443, 86-456, 86-457, 86-459, and
5 86-461, Revised Statutes Cumulative Supplement, 2006;
6 to change provisions relating to registration of
7 communications providers, access charges, surcharges,
8 the Telecommunications Relay System Act, the Nebraska
9 Telecommunications Universal Service Fund Act, the
10 Emergency Telephone Communications Systems Act, the
11 Enhanced Wireless 911 Services Act, and the Enhanced
12 Wireless 911 Advisory Board; to define and redefine

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1 terms; to harmonize provisions; to provide operative
2 dates; to repeal the original sections; to outright
3 repeal sections 86-427, 86-443.01, and 86-450.01, Revised
4 Statutes Cumulative Supplement, 2006; and to declare an
5 emergency.

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

1 Section 1. Section 86-125, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 86-125 Notwithstanding the provisions of section 86-124:

4 (1) A ~~wireless carrier~~ All communications providers
5 providing ~~telecommunications~~ service in Nebraska shall file
6 a registration form with and pay a registration fee to the
7 Public Service Commission. A ~~wireless carrier which provided~~
8 communications provider which provides such telecommunications
9 service prior to ~~January 1, 2003,~~ August 1, 2007, and which
10 continues to provide such ~~telecommunications~~ service on and after
11 ~~January 1, 2003,~~ August 1, 2007, shall register with the commission
12 ~~prior to April 1, 2003-~~ no later than January 1, 2008. Any
13 ~~wireless carrier~~ communications provider which begins to provide
14 ~~telecommunications~~ service in Nebraska on or after ~~January 1,~~
15 ~~2003,~~ August 1, 2007, shall register with the commission prior to
16 providing such ~~telecommunications~~ service;

17 (2) The commission shall prescribe the registration form-
18 ~~It to be filed pursuant to this section. Communications providers~~
19 as defined in subdivision (8)(a) of this section shall include-
20 provide:

21 (a) The name, address, telephone number, and
22 email address of a contact person concerning the Nebraska
23 Telecommunications Universal Service Fund Act and related
24 surcharges, if applicable;

25 (b) The name, address, telephone number, and email

1 address of a contact person concerning the Telecommunications
2 Relay System Act and related surcharges, if applicable;

3 (c) The name, address, telephone number, and email
4 address of a contact person concerning the Enhanced Wireless
5 911 Services Act and related surcharges, if applicable; and

6 (d) The name, address, telephone number, and email
7 address of a contact person concerning consumer complaints and
8 inquiries;

9 (3) Communications providers as defined in subdivision
10 (8)(b) of this section shall provide the commission with the name,
11 address, telephone number, and email address of a person with
12 managerial responsibility for Nebraska operations;

13 ~~(3)~~ (4) The wireless carrier communications provider
14 shall submit a registration fee ~~with~~ at the time of submission
15 of the registration form. The commission shall set the fee by
16 ~~rule and regulation~~ in an amount sufficient to cover the costs
17 of administering the registration process but not to exceed fifty
18 dollars;

19 ~~(4)~~ (5) The wireless carrier communications provider
20 shall keep the information required by this section current and
21 shall notify the commission of any changes to such information
22 within sixty days after the change;

23 ~~(5)~~ (6) The commission may administratively fine pursuant
24 to section 75-156 any wireless carrier communications provider
25 which violates this section; and

1 ~~(6)~~ (7) This section applies to all communications
 2 providers providing service in Nebraska except for those
 3 communications providers otherwise regulated under the Nebraska
 4 Telecommunications Regulation Act; and For purposes of this
 5 section, wireless carrier means any person offering mobile radio
 6 service, radio paging service, or wireless telecommunications
 7 service for a fee in Nebraska intrastate commerce.

8 (8) For purposes of this section, communications provider
 9 means any entity that:

10 (a) Uses telephone numbers or Internet protocol
 11 addresses or their functional equivalents or successors to provide
 12 information of a user's choosing by aid of wire, cable, wireless,
 13 satellite, or other like connection, whether part of a bundle
 14 of services or offered separately, (i) which provides or enables
 15 real-time or interactive voice communications and (ii) in which the
 16 voice component is the primary function; or

17 (b) Provides any service, whether part of a bundle
 18 of services or offered separately, used for transmission of
 19 information of a user's choosing regardless of the transmission
 20 medium or technology employed, that connects to a network that
 21 permits the end user to engage in electronic communications,
 22 including, but not limited to, service provided directly (i) to
 23 the public or (ii) to such classes of users as to be effectively
 24 available directly to the public.

25 Sec. 2. Section 86-140, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 86-140 (1) Access charges imposed by telecommunications
3 companies for access to a local exchange network for interexchange
4 service shall be negotiated by the telecommunications companies
5 involved. Any affected telecommunications company may apply for
6 review of such charges by the commission, or the commission may
7 make a motion to review such charges. Upon such application or
8 motion and unless otherwise agreed to by all parties thereto, the
9 commission shall, upon proper notice, hold and complete a hearing
10 thereon within ~~sixty~~ ninety days of the filing. The commission
11 may, within sixty days after the close of the hearing, enter
12 an order setting access charges which are fair and reasonable.
13 The commission shall set an access charge structure for each
14 local exchange carrier but may order discounts where there is not
15 available access of equal type and quality for all interexchange
16 carriers, except that the commission shall not order access charges
17 which would cause the annual revenue to be realized by the local
18 exchange carrier from all interexchange carriers to be less than
19 the annual costs, as determined by the commission based upon
20 evidence received at hearing, incurred or which will be incurred by
21 the local exchange carrier in providing such access services. Any
22 actions taken pursuant to this subsection shall be substantially
23 consistent with the federal act and federal actions taken under its
24 authority.

25 (2) Reductions made to access charges pursuant to

1 subsection (1) of this section shall be passed on to the customers
2 of interexchange service carriers in Nebraska whose payment of
3 charges ~~have~~ has been reduced. The commission shall have the power
4 and authority to (a) ensure that any access charge reductions made
5 pursuant to subsection (1) of this section are passed on in a
6 manner that is fair and reasonable and (b) review actions taken
7 by any telecommunications company to ensure that this subsection
8 is carried out.

9 (3) For purposes of this section, access charges means
10 the charges paid by telecommunications companies to local exchange
11 carriers in order to originate and terminate calls using local
12 exchange facilities.

13 Sec. 3. Section 86-313, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 86-313 (1)(a) Each telephone company in Nebraska shall
16 collect from each of the telephone subscribers a surcharge not to
17 exceed twenty cents per month on each telephone access line number
18 or functional equivalent in Nebraska, including ~~cellular telephone~~
19 wireless service as defined in section 22 of this act. The Except
20 for wireless service, the surcharge shall only be collected on
21 the first one hundred telephone access lines numbers or functional
22 equivalents per subscriber. The companies shall add the surcharge
23 to each subscriber's ~~local telephone~~ bill.

24 (b) The telephone companies are not liable for any
25 surcharge not paid by a subscriber, ~~and are not obligated to take~~

1 ~~legal action to collect the surcharge.~~

2 (2) Before April 1 of each year, the commission shall
3 hold a public hearing to determine the amount of surcharge
4 necessary to carry out the Telecommunications Relay System Act.
5 After the hearing, the commission shall set the surcharge at
6 the level necessary to fund the statewide telecommunications
7 relay system and the specialized telecommunications equipment
8 program for the following year plus a reasonable reserve. The
9 surcharge shall become effective on July 1 following the change.
10 ~~The amount appropriated for the specialized telecommunications~~
11 ~~equipment program from the fund shall not exceed the revenue~~
12 ~~generated by one cent of the surcharge per month.~~

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

16 (4) The proceeds from the surcharge shall be remitted to
17 the commission monthly no later than thirty days after the end of
18 the month in which they were collected together with forms provided
19 by the commission. The commission shall remit the funds to the
20 State Treasurer for credit to the fund.

21 (5) The commission may require an audit of any ~~telephone~~
22 company collecting the surcharge pursuant to the act.

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

25 Sec. 4. Section 86-316, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 86-316 Sections 86-316 to 86-329 and section 6 of
3 this act shall be known and may be cited as the Nebraska
4 Telecommunications Universal Service Fund Act.

5 Sec. 5. Section 86-318, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 86-318 For purposes of the Nebraska Telecommunications
8 Universal Service Fund Act, the definitions found in sections
9 86-319 to 86-322 and section 6 of this act apply.

10 Sec. 6. Telecommunications means the transmission between
11 or among points specified by the user of information of the user's
12 choosing without change in the form or content of the information
13 as sent and received.

14 Sec. 7. Section 86-322, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 86-322 Telecommunications company means any natural
17 person, firm, partnership, limited liability company, corporation,
18 or association ~~offering~~ providing telecommunications or
19 telecommunications service for hire in Nebraska ~~intrastate~~
20 ~~commerce~~ without regard to whether such company holds a certificate
21 of convenience and necessity as a telecommunications common carrier
22 or a permit as a telecommunications contract carrier from the
23 commission.

24 Sec. 8. Section 86-323, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 86-323 The Legislature declares that it is the policy of
2 the state to preserve and advance universal service based on the
3 following principles:

4 (1) Quality telecommunications and information services
5 should be available at just, reasonable, and affordable rates;

6 (2) Access to advanced telecommunications and information
7 services should be provided in all regions of the state;

8 (3) Consumers in all regions of the state, including
9 low-income consumers and those in rural and high-cost areas,
10 should have access to telecommunications and information services,
11 including interexchange services and advanced telecommunications
12 and information services, that are reasonably comparable to those
13 services provided in urban areas and that are available at
14 rates that are reasonably comparable to rates charged for similar
15 services in urban areas;

16 (4) All providers of telecommunications ~~services~~ should
17 make an equitable and nondiscriminatory contribution to the
18 preservation and advancement of universal service;

19 (5) There should be specific, predictable, sufficient,
20 and competitively neutral mechanisms to preserve and advance
21 universal service. Funds for the support of high-cost service
22 areas will be available only to the designated eligible
23 telecommunications companies providing service to such areas. Funds
24 for the support of low-income customers, schools, libraries, and
25 providers of health care to rural areas will be available to

1 any entity providing telecommunications services, maintenance, and
2 upgrading of facilities. The distribution of universal service
3 funds should encourage the continued development and maintenance of
4 telecommunications infrastructure;

5 (6) Elementary and secondary schools, libraries, and
6 providers of health care to rural areas should have access
7 to advanced telecommunications services as described in the
8 Telecommunications Act of 1996. To promote the efficient use
9 of facilities in rural areas, universal service rules should
10 not preclude the sharing of facilities supported by universal
11 service funds with other local users, if such ineligible users pay
12 appropriate retail usage rates to the telecommunications company;

13 (7) The implicit support mechanisms in intrastate access
14 rates throughout the state may be replaced while ensuring that
15 local service rates in all areas of the state remain affordable;
16 and

17 (8) The costs of administration of the Nebraska
18 Telecommunications Universal Service Fund should be kept to a
19 minimum.

20 Sec. 9. Section 86-420, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 86-420 Sections 86-420 to 86-441.01 and section 11 of
23 this act shall be known and may be cited as the Emergency Telephone
24 Communications Systems Act.

25 Sec. 10. Section 86-422, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 86-422 For purposes of the Emergency Telephone
3 Communications Systems Act, the definitions found in sections
4 86-423 to 86-434 and section 11 of this act apply.

5 Sec. 11. Primary place of use means the residential
6 or business street address that is representative of the primary
7 location of the customer's use of a service that includes the
8 provision of 911 service.

9 Sec. 12. Section 86-433, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 86-433 Service surcharge means a charge set by a
12 governing body and assessed on ~~each local exchange access line~~
13 which physically terminates each telephone number or functional
14 equivalent of service users whose primary place of use is
15 within the governing body's designated 911 service area, with
16 the exception of those service users served by wireless carriers
17 as defined in section 86-456 and those service users who have no
18 access to 911 service.

19 Sec. 13. Section 86-434, Revised Statutes Cumulative
20 Supplement, 2006, is amended to read:

21 86-434 Service user means any person who is provided
22 ~~local exchange access line~~ 911 service in this state.

23 Sec. 14. Section 86-435, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 86-435 (1) A governing body may incur any nonrecurring or

1 recurring charges for the installation, maintenance, and operation
2 of 911 service and shall pay such costs out of general funds which
3 may be supplemented by funds from the imposition of a service
4 surcharge. A governing body incurring costs for 911 service may
5 impose a uniform service surcharge of up to fifty cents per
6 month on each ~~local exchange access line physically terminating in~~
7 telephone number or functional equivalent of service users whose
8 primary place of use is within the governing body's 911 service
9 area, except for those service users served by wireless carriers
10 as defined in section 86-456 and those service users who have no
11 access to 911 service. The initial service surcharge may be imposed
12 at any time subsequent to the execution of an agreement for 911
13 service with a service supplier.

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

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

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

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

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

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

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

16 (4) If a governing body's 911 service area includes
17 a local exchange area which intersects governmental boundary
18 lines, the affected governmental units may cooperate to provide
19 911 service through an agreement as provided in the Interlocal
20 Cooperation Act or the Joint Public Agency Act. The agreement shall
21 provide for the assessment of a uniform service surcharge within
22 a governing body's 911 service area. The service surcharge on
23 each local exchange access line physically terminating in telephone
24 number or functional equivalent of service users whose primary
25 place of use is within the governing body's 911 service area,

1 except for those service users served by wireless carriers as
2 defined in section 86-456 and those service users who have no
3 access to 911 service, shall be the same as the amount allowed in
4 subsections (1) and (2) of this section.

5 (5) Funds generated by the service surcharge
6 shall be expended only for the purchase, installation,
7 maintenance, and operation of telecommunications equipment and
8 telecommunications-related services required for the provision of
9 911 service.

10 Sec. 15. Section 86-436, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 86-436 (1) A service user shall pay service surcharges
13 in each 911 service area where the service user has ~~local exchange~~
14 ~~access line service~~ its primary place of use and receives 911
15 service, except that an individual service user shall not be
16 required to pay on a single periodic billing service surcharges
17 on more than one hundred ~~local exchange access lines, or their~~
18 ~~equivalent,~~ telephone numbers or functional equivalents in any
19 single 911 service area. Every service user shall be liable for any
20 service surcharge billed to such user until the surcharge has been
21 paid to the service supplier.

22 (2) The duty of a service supplier to bill a service
23 surcharge to a service user shall commence at such time as may
24 be specified by the governing body. A service surcharge shall be
25 collected as far as practicable at the same time as and along with

1 the charges for ~~local exchange access lines~~ service in accordance
2 with the regular billing practice of the service supplier.

3 (3) A service supplier shall have no obligation to take
4 any legal action to enforce the collection of any service surcharge
5 imposed pursuant to section 86-435. Such action may be brought by
6 or on behalf of the governing body imposing the charge or the
7 separate legal entity formed pursuant to such section. A service
8 supplier shall annually provide the governing body a list of the
9 amounts uncollected along with the names and addresses of those
10 service users who carry a balance that can be determined by the
11 service supplier to be for nonpayment of any service surcharge. The
12 service supplier shall not be liable for such uncollected amounts.

13 Sec. 16. Section 86-442, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 86-442 Sections 86-442 to 86-470 and sections 18, 19, 20,
16 and 22 of this act shall be known and may be cited as the Enhanced
17 Wireless 911 Services Act.

18 Sec. 17. Section 86-443, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 86-443 For purposes of the Enhanced Wireless 911 Services
21 Act, the definitions found in sections ~~86-443.01~~ 86-444 to 86-456
22 and sections 18, 19, 20, and 22 of this act apply.

23 Sec. 18. Home service provider means a telecommunications
24 company as defined in section 86-322 that has contracted with a
25 customer to provide wireless service.

1 Sec. 19. Prepaid wireless service means a wireless
2 service for which the user pays prospectively and for which
3 the wireless carrier does not have an ongoing monthly billing
4 relationship with the user of such service.

5 Sec. 20. Primary place of use means: (1) For users
6 of wireless service other than prepaid wireless service, the
7 street address representative of where the use of wireless service
8 primarily occurs. The place of primary use shall be the residential
9 street address or the primary business street address of the user
10 of the wireless service and shall be within the service area of
11 the home service provider; and (2) for users of prepaid wireless
12 service, the location associated with the telephone number assigned
13 to the user.

14 Sec. 21. Section 86-456, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 86-456 Wireless carrier means (1) any carrier of mobile
17 service as referenced in 47 U.S.C. 153(27), as such section existed
18 on January 1, ~~2006~~, 2007, (2) any carrier of commercial mobile
19 service as referenced in 47 U.S.C. 332(d)(1), as such section
20 existed on January 1, ~~2006~~, 2007, (3) any carrier of commercial
21 mobile radio service as referenced in 47 C.F.R. 20.9, as such
22 regulation existed on January 1, ~~2006~~, 2007, or (4) any cellular
23 radiotelephone service, licensees of a personal communications
24 service, and specialized mobile radio services as referenced in 47
25 C.F.R. 20.9, as such regulation existed on January 1, ~~2006~~, 2007.

1 Sec. 22. Wireless service means: (1) Any mobile service
2 as defined in 47 U.S.C. 153 and 47 C.F.R. 27.4, as such section and
3 regulation existed on January 1, 2007; (2) any commercial mobile
4 service as defined in 47 U.S.C. 332(d), as such section existed
5 on January 1, 2007; or (3) any commercial mobile radio service as
6 referenced in 47 C.F.R. 20.9, as such regulation existed on January
7 1, 2007.

8 Sec. 23. Section 86-457, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 86-457 ~~(1)~~ Each wireless carrier who has a customer,
11 other than a prepaid customer or a customer in a county containing
12 a city of the metropolitan class, whose primary place of use is
13 in Nebraska, shall collect a surcharge of up to seventy cents per
14 month per access line. Each wireless carrier who has a customer in
15 a county containing a city of the metropolitan class shall collect
16 a surcharge of not more than fifty cents per month per access line.
17 The wireless carrier shall add the surcharge to each customer's
18 billing statement. The wireless carrier is not liable for any
19 surcharge not paid by a customer and is not obligated to take
20 legal action to collect the surcharge. The surcharge shall appear
21 as a separate line-item charge on the customer's billing statement
22 and shall be labeled as "Enhanced Wireless 911 Surcharge" or a
23 reasonable abbreviation of such phrase. The commission may take any
24 legal action as it deems necessary to collect unpaid surcharges in
25 its own name, as a real party in interest, or by assigning such

1 ~~debt for collection to a third party.~~

2 ~~(2) If a wireless carrier resells its services through~~
3 ~~other entities, each reseller shall collect the surcharge from~~
4 ~~its subscribers and shall remit the surcharge in accordance with~~
5 ~~section 86-459.~~

6 ~~(3) Beginning on July 1, 2007, each wireless carrier who~~
7 ~~has a prepaid customer shall remit a surcharge from each prepaid~~
8 ~~customer in the amount established in subsection (1) of this~~
9 ~~section. A wireless carrier may collect such surcharge from prepaid~~
10 ~~customers using one of the following methods:~~

11 ~~(a) The wireless carrier shall divide the total earned~~
12 ~~prepaid wireless telephone revenue received by the wireless carrier~~
13 ~~within the monthly reporting period by fifty dollars and multiply~~
14 ~~the quotient by the surcharge amount;~~

15 ~~(b) The wireless carrier shall collect on a monthly~~
16 ~~basis the surcharge from each customer's active, prepaid account.~~
17 ~~A customer with two or more active, prepaid accounts shall be~~
18 ~~assessed a separate surcharge for each active, prepaid account; or~~

19 ~~(c) A wireless carrier shall remit the surcharge upon~~
20 ~~the activation of the active, prepaid account and upon each~~
21 ~~replenishment of additional minutes purchased by the prepaid~~
22 ~~customer.~~

23 (1) Each wireless carrier shall collect:

24 (a) A surcharge of up to seventy cents, except as
25 provided in subdivision (1)(b) of this subsection and as otherwise

1 provided in this section with respect to prepaid wireless service,
2 on all active telephone numbers or functional equivalents every
3 month from users of wireless service and shall remit the surcharge
4 in accordance with section 86-459; or

5 (b) A surcharge of up to fifty cents, except as otherwise
6 provided in this section with respect to prepaid wireless service,
7 on all active telephone numbers or functional equivalents every
8 month from users of wireless service whose primary place of use is
9 in a county containing a city of the metropolitan class and shall
10 remit the surcharge in accordance with section 86-459.

11 The wireless carrier is not liable for any surcharge not
12 paid by a customer.

13 (2) Except as otherwise provided in this section, the
14 wireless carrier shall add the surcharge to each user's billing
15 statement. The surcharge shall appear as a separate line-item
16 charge on the user's billing statement and shall be labeled as
17 "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation of
18 such phrase.

19 (3) If a wireless carrier, except as otherwise provided
20 in this section, resells its service through other entities, each
21 reseller shall collect the surcharge from its customers and shall
22 remit the surcharge in accordance with section 86-459.

23 (4) It is the intent of the Legislature that, effective
24 July 1, 2007, all users of prepaid wireless services pay an amount
25 comparable to the amount paid by users of wireless services that

1 are not prepaid in support of statewide wireless enhanced 911
2 service. It is also the intent of the Legislature that whenever
3 possible such amounts be collected from the users of such prepaid
4 wireless services.

5 (5) The commission shall establish surcharges comparable
6 to the surcharge assessed on other users of wireless services
7 and shall develop methods for collection and remittance of
8 such surcharges from wireless carriers offering prepaid wireless
9 services.

10 (6) The duty to remit any surcharges established pursuant
11 to subsection (5) of this section is the responsibility of the
12 wireless carrier.

13 (7) This section shall not apply to users who have no 911
14 service.

15 Sec. 24. Section 86-459, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 86-459 (1) Each wireless carrier shall remit monthly
18 to the commission the amount of surcharge amounts collected
19 pursuant to section 86-457 together with any forms required by
20 the commission no later than sixty days after the last day of the
21 month. The commission shall remit the funds to the State Treasurer
22 for credit to the Enhanced Wireless 911 Fund.

23 (2) As the commission may require, each wireless carrier
24 shall report to the commission on a quarterly basis for each
25 county in a manner prescribed by the commission the following

1 information: (a) The number of ~~wireless lines~~, including ~~prepaid~~
2 ~~customers~~, telephone numbers or functional equivalents served; by
3 ~~county~~; (b) the number of ~~wireless lines~~, including ~~active~~, ~~prepaid~~
4 ~~accounts~~, telephone numbers or functional equivalents from which
5 it has collected surcharge revenue; by county; (c) the number
6 of wireless towers by county; and (d) the current implementation
7 status of enhanced wireless 911 service in each county served by
8 that wireless carrier.

9 (3) The wireless carrier shall maintain ~~surcharge~~ all
10 records required by this section, records of the amounts collected
11 pursuant to section 86-457, and remittance records for a period
12 of ~~two~~ five years after the date of remittance to the fund.
13 The commission may at ~~its own expense~~ require an audit of any
14 wireless carrier's books and records concerning the collection and
15 remittance of ~~the surcharge~~ any amounts collected pursuant to the
16 Enhanced Wireless 911 Services Act. The costs of any audit required
17 by the commission shall, at the commission's discretion, be paid
18 by the audited wireless carrier. A wireless carrier shall not be
19 required to pay for more than one remittance audit or more than one
20 collection audit per year, unless the commission orders subsequent
21 audits for good cause.

22 (4) Each wireless carrier shall comply with all
23 commission rules and regulations regarding enhanced wireless 911
24 service.

25 (5) Each wireless carrier shall comply with this section

1 regardless of whether the wireless carrier receives reimbursement
2 from the fund. Wireless carriers failing to comply with this
3 section may be administratively fined by the commission pursuant to
4 section 75-156.

5 Sec. 25. Section 86-461, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 86-461 (1) The Enhanced Wireless 911 Advisory Board is
8 created to advise the commission concerning the implementation,
9 development, administration, coordination, evaluation, and
10 maintenance of enhanced wireless 911 service. The advisory board
11 shall be composed of ~~ten~~ nine individuals appointed by the
12 Governor, including:

13 (a) One sheriff;

14 (b) Two county officials or employees;

15 (c) Two municipal officials or employees;

16 (d) ~~Two representatives~~ One representative from the
17 state's wireless telecommunications industry;

18 (e) One manager of a public safety answering point not
19 employed by a sheriff;

20 (f) One representative of the state's local exchange
21 telecommunications service industry; and

22 ~~(g) One commissioner from the Public Service Commission~~
23 ~~or his or her designee who shall serve as an ex officio member; and~~

24 (g) One member of the public.

25 (2) The advisory board shall also include two ex officio

1 members:

2 (a) One commissioner from the Public Service Commission
 3 or his or her designee; and

4 ~~(h) (b) The Chief Information Officer or his or her~~
 5 ~~designee, who shall serve as an ex officio member.~~

6 ~~(2) (3) Members of the board as described in subdivisions~~
 7 ~~(1) (a) through (1) (f) (1) (g) of this section shall be appointed for~~
 8 ~~a term of three years. Each succeeding member of the board shall be~~
 9 ~~appointed for a term of three years. The board shall meet as often~~
 10 ~~as necessary to carry out its duties. Members of the board shall be~~
 11 ~~reimbursed for their actual and necessary expenses as provided in~~
 12 ~~sections 81-1174 to 81-1177.~~

13 Sec. 26. Sections 16, 17, 18, 19, 20, 21, 22, 23, and 29
 14 of this act become operative on July 1, 2007. Sections 1, 2, and 28
 15 of this act become operative on August 1, 2007. The other sections
 16 of this act become operative on their effective date.

17 Sec. 27. Original sections 86-313, 86-316, 86-318,
 18 86-322, 86-323, 86-420, 86-422, 86-433, 86-434, 86-435, 86-436,
 19 86-459, and 86-461, Revised Statutes Cumulative Supplement, 2006,
 20 are repealed.

21 Sec. 28. Original sections 86-125 and 86-140, Revised
 22 Statutes Cumulative Supplement, 2006, are repealed.

23 Sec. 29. Original sections 86-442, 86-443, 86-456, and
 24 86-457, Revised Statutes Cumulative Supplement, 2006, are repealed.

25 Sec. 30. The following sections are outright repealed:

LB 661

LB 661

1 Sections 86-427, 86-443.01, and 86-450.01, Revised Statutes
2 Cumulative Supplement, 2006.

3 Sec. 31. Since an emergency exists, this act takes effect
4 when passed and approved according to law.