

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 833**

Introduced by Krist, 10.

Read first time January 05, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to telecommunications; to amend sections 86-435  
2 and 86-457, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to surcharges for 911 service;  
4 and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 86-435, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   86-435 (1) A governing body may incur any nonrecurring or  
4 recurring charges for the installation, maintenance, and operation of  
5 911 service and shall pay such costs out of general funds which may  
6 be supplemented by funds from the imposition of a service surcharge.  
7 A governing body incurring costs for 911 service may impose a uniform  
8 service surcharge of up to fifty cents per month on each telephone  
9 number or functional equivalent of service users whose primary place  
10 of use is within the governing body's 911 service area, except for  
11 those service users served by wireless carriers as defined in section  
12 86-456 and those service users who have no access to 911 service. The  
13 initial service surcharge may be imposed at any time subsequent to  
14 the execution of an agreement for 911 service with a service  
15 supplier.

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

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

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

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

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

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

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

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

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

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

10 Sec. 2. Section 86-457, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 86-457 (1) Each wireless carrier shall collect: ~~(a) A a~~  
13 ~~surcharge of up to seventy cents, except as provided in subdivision~~  
14 ~~(1)(b) of this subsection and as otherwise provided in this section~~  
15 with respect to prepaid wireless service, on all active telephone  
16 numbers or functional equivalents every month from users of wireless  
17 service and shall remit the surcharge in accordance with section  
18 86-459. ~~;~~ ~~or~~

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

25 The wireless carrier is not liable for any surcharge not

1 paid by a customer.

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

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

11 (4) It is the intent of the Legislature that, effective  
12 July 1, 2007, all users of prepaid wireless services pay an amount  
13 comparable to the amount paid by users of wireless services that are  
14 not prepaid in support of statewide wireless enhanced 911 service. It  
15 is also the intent of the Legislature that whenever possible such  
16 amounts be collected from the users of such prepaid wireless  
17 services.

18 (5) The commission shall establish surcharges comparable  
19 to the surcharge assessed on other users of wireless services and  
20 shall develop methods for collection and remittance of such  
21 surcharges from wireless carriers offering prepaid wireless services.

22 (6) The duty to remit any surcharges established pursuant  
23 to subsection (5) of this section is the responsibility of the  
24 wireless carrier.

25 (7) This section shall not apply to users who have no 911

1 service.

2                   Sec. 3. Original sections 86-435 and 86-457, Reissue

3 Revised Statutes of Nebraska, are repealed.