

LEGISLATIVE BILL 1211

Approved by the Governor April 19, 2002

Introduced by Transportation and Telecommunications Committee:
 Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30;
 Jones, 43; Dw. Pedersen, 39; Robak, 22; and Tyson, 19;
 Wehrbein, 2

AN ACT relating to communications; to amend sections 13-808, 58-201, 58-203, 86-1803 to 86-1806, 86-1808, and 86-1811, Reissue Revised Statutes of Nebraska, sections 13-2530, 58-202, 58-219, 75-134, and 75-156, Revised Statutes Supplement, 2000, and sections 86-804, 86-1405, and 86-2306, Revised Statutes Supplement, 2001; to authorize service and financing agreements for public safety communication projects; to authorize regulation of wireless carriers; to create the Nebraska Competitive Telephone Marketplace Fund; to define and redefine terms; to provide, change, and eliminate powers and duties; to provide for funding and fund transfers; to eliminate fees and obsolete language; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 86-1807 and 86-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 13-808, Reissue Revised Statutes of Nebraska, is amended to read:

13-808. (1) Any joint entity may issue such types of bonds as its governing body may determine subject only to any agreement with the holders of outstanding bonds, including bonds as to which the principal and interest are payable exclusively from all or a portion of the revenue from one or more projects, from one or more revenue-producing contracts, including securities acquired from any person, or leases made by the joint entity with any person, including any of those public agencies which are parties to the agreement creating the joint entity, or from its revenue generally or which may be additionally secured by a pledge of any grant, subsidy, or contribution from any person or a pledge of any income or revenue, funds, or money of the joint entity from any source whatsoever or a mortgage or security interest in any real or personal property, commodity, product, or service or interest therein.

(2) Any bonds issued by such joint entity shall be issued on behalf of those public agencies which are parties to the agreement creating such joint entity and shall be authorized to be issued for the specific purpose or purposes for which the joint entity has been created. Such specific purposes may include, but shall not be limited to, solid waste collection, management, and disposal; waste recycling; sanitary sewage treatment and disposal; public safety communications; correctional facilities; water treatment plants and distribution systems; drainage systems; flood control projects; fire protection services; ground water quality management and control; hospital and other health care services; bridges, roads, and streets; and law enforcement.

(3) As an alternative to issuing bonds for financing public safety communication projects, any joint entity may enter into a financing agreement with the Nebraska Investment Finance Authority for such purpose.

(4) Any joint entity formed for purposes of providing or assisting with the provision of public safety communications may enter into an agreement with any other joint entity relating to (a) the operation, maintenance, or management of the property or facilities of such joint entity or (b) the operation, maintenance, or management of the property or facilities of such other joint entity.

Sec. 2. Section 13-2530, Revised Statutes Supplement, 2000, is amended to read:

13-2530. (1) Any joint public agency may issue such types of bonds as its board may determine subject only to any agreement with the holders of outstanding bonds, including bonds as to which the principal and interest are payable exclusively from all or a portion of the revenue from one or more projects, from one or more revenue-producing contracts, including securities acquired from any person, or leases made by the joint public agency with any person, including any of the public agencies which are parties to the agreement creating the joint public agency, or from its revenue generally or which may be additionally secured by a pledge of any grant, subsidy, or contribution from any person or a pledge of any income or revenue, funds, or money of the joint public agency from any source whatsoever or a mortgage or

security interest in any real or personal property, commodity, product, or service or interest therein.

(2) Any bonds issued by such joint public agency shall be issued on behalf of the joint public agency solely for the specific purpose or purposes for which the joint public agency has been created. Such specific purposes may include, but shall not be limited to, solid waste collection, management, and disposal; waste recycling; sanitary sewage treatment and disposal; public safety communications; correctional facilities; water treatment plants and distribution systems; drainage systems; flood control projects; fire protection services; ground water quality management and control; hospital and other health care services; bridges, roads, and streets; and law enforcement.

(3) As an alternative to issuing bonds for financing public safety communication projects, any joint public agency may enter into a financing agreement with the Nebraska Investment Finance Authority for such purpose.

(4) Any joint public agency formed for purposes of providing or assisting with the provision of public safety communications may enter into an agreement with any other joint public agency relating to (a) the operation, maintenance, or management of the property or facilities of such joint public agency or (b) the operation, maintenance, or management of the property or facilities of such other joint public agency.

Sec. 3. Section 58-201, Reissue Revised Statutes of Nebraska, is amended to read:

58-201. Sections 58-201 to 58-272 and section 7 of this act shall be known and may be cited as the Nebraska Investment Finance Authority Act.

Sec. 4. Section 58-202, Revised Statutes Supplement, 2000, is amended to read:

58-202. (1) The Legislature hereby finds and declares that:

(a) The high cost of agricultural loans and the general unavailability of such loans at favorable rates and terms for farmers, particularly beginning farmers, and other agricultural enterprises have resulted in decreased crop, livestock, and business productivity and prevented farmers and other agricultural enterprises from acquiring modern agricultural equipment and processes. These problems have made it difficult for farmers and other agricultural enterprises to maintain or increase their present number of employees and have decreased the supply of agricultural commodities available to fulfill the needs of the citizens of this state; and

(b) There exists in this state an inadequate supply of and a pressing need for farm credit and agricultural loan financing at interest rates and terms which are consistent with the needs of farmers, particularly beginning farmers, and other agricultural enterprises.

(2) The Legislature hereby finds and declares that:

(a) From time to time the high rates of interest charged by mortgage lenders seriously restrict existing housing transfers and new housing starts and the resultant reduction in residential construction starts causes a condition of substantial unemployment and underemployment in the construction industry;

(b) Such conditions generally result in and contribute to the creation of slums and blighted areas in the urban and rural areas of this state and a deterioration of the quality of living conditions within this state and necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident prevention, and other public services and facilities; and

(c) There exists in the urban and rural areas of this state an inadequate supply of and a pressing need for sanitary, safe, and uncrowded housing at prices at which low-income and moderate-income persons, particularly first-time homebuyers, can afford to purchase, construct, or rent and as a result such persons are forced to occupy unsanitary, unsafe, and overcrowded housing.

(3) The Legislature hereby finds and declares that:

(a) Adequate and reliable energy supplies are a basic necessity of life and sufficient energy supplies are essential to supplying adequate food and shelter;

(b) The cost and availability of energy supplies has been and will continue to be a matter of state and national concern;

(c) The increasing cost and decreasing availability of energy supplies for purposes of residential heating will limit the ability of many of Nebraska's citizens to provide the basic necessities of life and will result in a deterioration in living conditions and a threat to the health and welfare of the citizens of this state;

(d) Energy conservation through building modifications including, but not limited to, insulation, weatherization, and the installation of alternative energy devices has been shown to be a prudent means of reducing

energy consumption costs and the need for additional costly facilities to produce and supply energy;

(e) Because of the high cost of available capital, the purchase of energy conservation devices is not possible for many Nebraskans. The prohibitively high interest rates for private capital create a situation in which the necessary capital cannot be obtained solely from private enterprise sources and there is a need for the stimulation of investment of private capital, thereby encouraging the purchase of energy conservation devices and energy conserving building modifications;

(f) The increased cost per capita of supplying adequate life-sustaining energy needs has reduced the amount of funds, both public and private, available for providing other necessities of life, including food, health care, and safe, sanitary housing; and

(g) The continuing purchase of energy supplies results in the transfer of ever-increasing amounts of capital to out-of-state energy suppliers.

(4) The Legislature hereby finds and declares that:

(a) There exist within this state unemployment and underemployment especially in areas of basic economic activity, caused by economic decline and need for diversification of the economic base, needlessly increasing public expenditures for unemployment compensation and welfare, decreasing the tax base, reducing tax revenue, and resulting in economic and social liabilities to the entire state;

(b) Such unemployment and underemployment cause areas of the state to deteriorate and become substandard and blighted and such conditions result in making such areas economic or social liabilities harmful to the economic and social well-being of the entire state and the communities in which they exist, needlessly increasing public expenditures, imposing onerous state and municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of the state and the municipalities, depreciating general state and community-wide values, and contributing to the spread of disease and crime which necessitate excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire, and accident protection, and for other public services and facilities;

(c) There exist within this state conditions resulting from the concentration of population of various counties, cities, and villages which require the construction, maintenance, and operation of adequate hospital and nursing facilities for the care of the public health. Since these conditions cannot be remedied by the ordinary operations of private enterprises and since provision of adequate hospital, nursing, and medical care is a public use, it is in the public interest that adequate hospital and medical facilities and care be provided in order to care for and protect the public health and welfare;

(d) Creation of basic economic jobs in the private sector and the promotion of health and welfare by the means provided under the Nebraska Investment Finance Authority Act and the resulting reduction of needless public expenditures, expansion of the tax base, provision of hospitals and health care and related facilities, and increase of tax revenue are needed within this state; and

(e) Stimulation of economic development throughout the state and the provision of health care at affordable prices are matters of state policy, public interest, and statewide concern and within the powers and authority inherent in and reserved to the state in order that the state and its municipalities shall not continue to be endangered by areas which consume an excessive proportion of their revenue, in order that the economic base of the state may be broadened and stabilized thereby providing jobs and necessary tax base, and in order that adequate health care services be provided to all residents of this state.

(5) The Legislature hereby finds and declares that:

(a) There is a need within this state for financing to assist municipalities, as defined in section 81-15,149, in providing wastewater treatment facilities and safe drinking water facilities. The federal funding provided for wastewater treatment facilities is extremely limited while the need to provide and improve wastewater treatment facilities and safe drinking water facilities is great;

(b) The construction, development, rehabilitation, and improvement of modern and efficient sewer systems and wastewater treatment facilities are essential to protecting and improving the state's water quality, the provision of adequate wastewater treatment facilities and safe drinking water facilities

is essential to economic growth and development, and new sources of financing for such projects are needed;

(c) The federal government has acted to end the system of federal construction grants for clean water projects and has instead provided for capitalization grants to capitalize state revolving funds for wastewater treatment projects and will soon expand that to include safe drinking water facilities, and the state has created or is expected to create appropriate funds or accounts for such purpose. The state is required or expected to be required to provide matching funds for deposit into such funds or accounts, and there is a need for financing in excess of the amount which can be provided by the federal money and the state match; and

(d) Additional assistance can be provided to municipalities as defined in section 81-15,149 to alleviate the problems of water pollution or the provision of safe drinking water by providing for the issuance of revenue bonds, the proceeds of which shall be deposited into the Wastewater Treatment Facilities Construction Loan Fund or the comparable state fund to finance safe drinking water facilities. Nothing in this section shall prohibit the provision of loans, including loans made pursuant to the Conservation Corporation Act, to a municipality as defined in section 81-15,149 for the construction, development, rehabilitation, operation, maintenance, and improvement of wastewater treatment facilities or safe drinking water facilities.

(6) The Legislature hereby finds and declares that:

(a) There is a need within this state for financing to assist public school boards and school districts and private for-profit or not-for-profit schools in connection with removal of materials determined to be hazardous to the health and well-being of the residents of the state and the reduction or elimination of accessibility barriers and that the federal funding provided for such projects is extremely limited and the need and requirement to remove such materials and to reduce or eliminate accessibility barriers from school buildings is great;

(b) The financing of the removal of such environmental hazards and the reduction or elimination of accessibility barriers is essential to protecting and improving the facilities in the state which provide educational benefits and services;

(c) The federal government has directed schools to remove such hazardous materials and to reduce or eliminate accessibility barriers; and

(d) The problems enumerated in this subsection cannot be remedied through the operation of private enterprise or individual communities or both but may be alleviated through the assistance of the authority to encourage the investment of private capital and assist in the financing of the removal of environmental hazards and the reduction or elimination of accessibility barriers in educational facilities in this state in order to provide for a clean, safe, and accessible environment to protect the health and welfare of the citizens and residents of this state.

(7) The Legislature hereby finds and declares that:

(a) The rapidly rising volume of waste deposited by society threatens the capacity of existing and future landfills. The nature of waste disposal means that unknown quantities of potentially toxic and hazardous materials are being buried and pose a constant threat to the ground water supply. In addition, the nature of the waste and the disposal methods utilized allow the waste to remain basically inert for decades, if not centuries, without decomposition;

(b) Wastes filling Nebraska's landfills may at best represent a potential resource, but without proper management wastes are hazards to the environment and to the public health and welfare;

(c) The growing concern with ground water protection and the desire to avoid financial risks inherent in ground water contamination have caused many smaller landfills to close in favor of using higher-volume facilities. Larger operations allow for better ground water protection at a relatively lower and more manageable cost;

(d) The reduction of solid waste at the source and the recycling of reusable waste materials will reduce the flow of waste to landfills and increase the supply of reusable materials for the use of the public;

(e) There is a need within this state for financing to assist counties, cities, villages, entities created under the Interlocal Cooperation Act and the Joint Public Agency Act, and private persons with the construction and operation of new solid waste disposal areas or facilities and with the closure, monitoring, and remediation of existing solid waste disposal areas and facilities;

(f) Financing the construction and operation of new solid waste disposal areas and facilities and financing the closure, monitoring, and

remediation of existing and former solid waste disposal areas and facilities in the state is essential to protect the environment and the public health and welfare;

(g) The federal government has directed that effective October 1, 1993, all solid waste disposal areas and facilities shall be upgraded to meet stringent siting, design, construction, operation, closure, monitoring, and remediation requirements; and

(h) The problems enumerated in this subsection cannot be remedied through the operation of private enterprise or individual communities or both but may be alleviated through the assistance of the authority to encourage the investment of private capital and to assist in the financing of solid waste disposal areas and facilities and in the removal of environmental hazards in solid waste disposal areas and facilities in this state in order to provide for a clean environment to protect the health and welfare of the citizens and residents of this state.

(8) The Legislature hereby finds and declares that:

(a) During emergencies the resources of political subdivisions must be effectively directed and coordinated to public safety agencies to save lives, to protect property, and to meet the needs of citizens;

(b) There exists a need for public safety communication systems for use by Nebraska's public safety agencies as defined in the Nebraska Public Safety Wireless Communication System Act;

(c) Investment in the public safety communication infrastructure is required to ensure the effectiveness of such public safety agencies. Since the maintenance of public safety is a paramount concern but the cost of purchasing and operating multiple communication infrastructures is prohibitive, it is imperative that political subdivisions cooperate in their efforts to obtain real and personal property to establish, operate, maintain, and manage public safety communication systems; and

(d) There is a need within this state for financing to assist political subdivisions and any entities created under the Interlocal Cooperation Act and the Joint Public Agency Act with the acquisition, construction, and operation of real and personal property of public safety communication systems.

Sec. 5. Section 58-203, Reissue Revised Statutes of Nebraska, is amended to read:

58-203. (1) The problems enumerated in section 58-202 cannot alone be remedied through the operation of private enterprise or individual communities or both but may be alleviated through the creation of a quasi-governmental body to:

(a) Encourage the investment of private capital and stimulate the construction of sanitary, safe, and uncrowded housing for low-income and moderate-income persons, particularly first-time homebuyers, through the use of public financing as provided by the Nebraska Investment Finance Authority Act at reasonable interest rates and by coordinating and cooperating with private industry and local communities which are essential to alleviating the conditions described in section 58-202 and are in the public interest;

(b) Encourage the investment of private capital to provide financing for farmers, particularly beginning farmers, and other agricultural enterprises of usual and customary size for such farming operations within the community at interest rates lower than those available in conventional farm credit markets which is essential to alleviating the conditions described in section 58-202 and is in the public interest;

(c) Encourage the investment of private capital and stimulate the creation of basic economic activity, the creation of jobs, the provision of adequate health care, and the expansion of the tax base throughout the state through the use of public financing and by coordinating with private industry and local communities which are essential to alleviating the conditions described in section 58-202 and are in the public interest;

(d) Encourage the investment of private capital and assist in the construction, development, rehabilitation, and improvement of wastewater treatment facilities and safe drinking water facilities in this state to provide for clean water to protect the health and welfare of the citizens and residents of this state and promote economic well-being which are essential to alleviating the conditions described in section 58-202 and are in the public interest;

(e) Encourage the investment of private capital and assist schools through the use of public financing in the abatement of environmental hazards and the reduction and elimination of accessibility barriers in their school buildings or on their school grounds in order to protect the health and welfare of the citizens and residents of this state and promote economic well-being which are essential to alleviating the conditions described in

section 58-202 and are in the public interest; ~~and~~

(f) Encourage the investment of private capital and assist in financing the construction and operation of new solid waste disposal areas and facilities and the closure, monitoring, and remediation of former and existing solid waste disposal areas and facilities; ~~and~~

(g) Encourage the investment of private capital and stimulate the construction and operation of any public safety communication project through the use of public financing as provided by the act at reasonable interest rates which is essential to addressing the needs described in section 58-202 and is in the public interest.

(2) Alleviating the conditions and problems enumerated in section 58-202 through encouragement of private investment by a quasi-governmental body is a public purpose and use for which public money provided by the sale of bonds may be borrowed, expended, advanced, loaned, or granted. Such activities shall not be conducted for profit. Such activities are proper governmental functions and can best be accomplished by the creation of a quasi-governmental body vested with the powers and duties specified in the Nebraska Investment Finance Authority Act. The necessity for the provisions of the act to protect the health, safety, morals, and general welfare of all the people of this state is hereby declared to be a matter of legislative determination. The quasi-governmental body created by the act shall make financing available for new or existing housing to serve those people, particularly first-time homebuyers, whom private industry is unable to serve at current interest rates, shall make financing available for farmers, particularly beginning farmers, shall make financing available for the construction, development, rehabilitation, and improvement of wastewater treatment facilities or safe drinking water facilities and for the construction, operation, closure, monitoring, and remediation of solid waste disposal areas and facilities in this state, ~~and~~ shall make financing available to schools for the abatement of environmental hazards and the reduction and elimination of accessibility barriers, and shall make financing available for public safety communication projects in this state.

Sec. 6. Section 58-219, Revised Statutes Supplement, 2000, is amended to read:

58-219. Project shall mean one or more of the following:

(1) (a) Rental housing;
 (b) Residential housing; and
 (c) Residential energy conservation devices;
 (2) Agriculture or agricultural enterprise;
 (3) Any land, building, or other improvement, any real or personal property, or any equipment and any undivided or other interest in any of the foregoing, whether or not in existence, suitable or used for or in connection with any of the following revenue-producing enterprises or two or more such enterprises engaged or to be engaged in:

(a) In all areas of the state, manufacturing or industrial enterprises, including assembling, fabricating, mixing, processing, warehousing, distributing, or transporting any products of agriculture, forestry, mining, industry, or manufacturing; pollution control facilities; and facilities incident to the development of industrial sites, including land costs and the costs of site improvements such as drainage, water, storm, and sanitary sewers, grading, streets, and other facilities and structures incidental to the use of such sites for manufacturing or industrial enterprises;

(b) In all areas of the state, service enterprises if (i) such facilities constitute new construction or rehabilitation, including hotels or motels, sports and recreation facilities available for use by members of the general public either as participants or spectators, and convention or trade show facilities, (ii) such facilities do not or will not derive a significant portion of their gross receipts from retail sales or utilize a significant portion of their total area for retail sales, and (iii) such facilities are owned or to be owned by a nonprofit entity;

(c) In blighted areas of the state, service and business enterprises if such facilities constitute new construction, acquisition, or rehabilitation, including, but not limited to, those enterprises specified in subdivision (3)(b) of this section, office buildings, and retail businesses if such facilities are owned or to be owned by a nonprofit entity; and

(d) In all areas of the state, any land, building, or other improvement and all real or personal property, including furniture and equipment, and any undivided or other interest in any such property, whether or not in existence, suitable or used for or in connection with any hospital, nursing home, and facilities related and subordinate thereto.

Nothing in this subdivision shall be construed to include any rental

or residential housing, residential energy conservation device, or agriculture or agricultural enterprise;

(4) Any land, building, or other improvement, any real or personal property, or any equipment and any undivided or other interest in any of the foregoing, whether or not in existence, used by a nonprofit entity as an office building, but only if (a) the principal long-term occupant or occupants thereof initially employ at least fifty people, (b) the office building will be used by the principal long-term occupant or occupants as a national, regional, or divisional office, (c) the principal long-term occupant or occupants are engaged in a multistate operation, and (d) the authority makes the findings specified in subdivision (1) of section 58-251;

(5) Wastewater treatment or safe drinking water project which shall include any project or undertaking which involves the construction, development, rehabilitation, and improvement of wastewater treatment facilities or safe drinking water facilities and is financed by a loan from or otherwise provided financial assistance by the Wastewater Treatment Facilities Construction Loan Fund or any comparable state fund providing money for the financing of safe drinking water facilities;

(6) Any cost necessary for abatement of an environmental hazard or hazards in school buildings or on school grounds upon a determination by the school that an actual or potential environmental hazard exists in the school buildings or on the school grounds under its control;

(7) Any accessibility barrier elimination project costs necessary for accessibility barrier elimination in school buildings or on school grounds upon a determination by the school that an actual or potential accessibility barrier exists in the school buildings or on the school grounds under its control;

(8) Solid waste disposal project which shall include land, buildings, equipment, and improvements consisting of all or part of an area or a facility for the disposal of solid waste, including recycling of waste materials, either publicly or privately owned or operated, and any project or program undertaken by a county, city, village, or entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act for closure, monitoring, or remediation of an existing solid waste disposal area or facility and any undivided or other interest in any of the foregoing; ~~and~~

(9) Any affordable housing infrastructure which shall include streets, sewers, storm drains, water, electrical and other utilities, sidewalks, public parks, public playgrounds, public swimming pools, public recreational facilities, and other community facilities, easements, and similar use rights thereof, as well as improvements preparatory to the development of housing units; and

(10) Any public safety communication project, including land, buildings, equipment, easements, licenses, and leasehold interests, and any undivided or other interest in any of the foregoing, held for or on behalf of any public safety communication system owned or operated by (a) a joint entity providing public safety communications and created pursuant to the Interlocal Cooperation Act or (b) a joint public agency providing public safety communications and created pursuant to the Joint Public Agency Act.

Sec. 7. In addition to the powers granted under section 58-239, the authority may:

(1) Borrow money and issue bonds for the purpose of financing public safety communication projects; and

(2) Enter into financing agreements for a public safety communication project with a joint entity created pursuant to the Interlocal Cooperation Act or a joint public agency created pursuant to the Joint Public Agency Act.

Sec. 8. Notwithstanding the provisions of section 86-808:

(1) A wireless carrier providing telecommunications service in Nebraska shall file a registration form with and pay a registration fee to the Public Service Commission. A wireless carrier which provided such telecommunications service prior to January 1, 2003, and which continues to provide such telecommunications service on and after January 1, 2003, shall register with the commission prior to April 1, 2003. Any wireless carrier which begins to provide telecommunications service in Nebraska on or after January 1, 2003, shall register with the commission prior to providing such telecommunications service;

(2) The commission shall prescribe the registration form. It shall include:

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

(b) The name, address, telephone number, and email address of a

contact person concerning the Telecommunications Relay System Act and related surcharges, if applicable;

(c) The name, address, telephone number, and email address of a contact person concerning sections 86-2201 to 86-2214 and related surcharges, if applicable; and

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

(3) The wireless carrier shall submit a registration fee with the registration form. The commission shall set the fee by rule and regulation in an amount sufficient to cover the costs of administering the registration process but not to exceed fifty dollars;

(4) The wireless carrier shall keep the information required by this section current and shall notify the commission of any changes to such information within sixty days after the change;

(5) The commission may administratively fine pursuant to section 75-156 any wireless carrier which violates this section; and

(6) For purposes of this section, wireless carrier means any person offering mobile radio service, radio paging service, or wireless telecommunications service for a fee in Nebraska intrastate commerce.

Sec. 9. Section 75-134, Revised Statutes Supplement, 2000, is amended to read:

75-134. (1) A commission order entered after a hearing shall be written and shall recite (a) a discussion of the facts of a basic or underlying nature, (b) the ultimate facts, and (c) the commission's reasoning or other authority relied upon by the commission.

(2) Every order of the commission shall become effective ten days after the date of the mailing of a copy of the order to the parties of record except (a) when the commission prescribes a later effective date, (b) as otherwise provided in section 75-121 or 75-139, (c) as otherwise provided for cease and desist orders issued pursuant to section 75-133, or (d) for orders entered pursuant to section 75-319 which shall be effective on the date of entry.

(3) Except as otherwise provided in this section or for rate orders provided for in section 75-139, if one of the parties of record commences an appeal pursuant to section 75-137, the order appealed shall be in abeyance until the Court of Appeals or Supreme Court issues its mandate. Nothing in this section shall hold in abeyance an order authorizing the issuance of a certificate or permit, an order denying relief or authority, or an order entered pursuant to section 75-319.

(4) If a party of record to a telecommunications order commences an appeal in accordance with the Administrative Procedure Act, the order appealed shall become effective on the date prescribed in subsection (2) of this section and remain in effect unless upon application (a) the commission or district court issues an order staying the underlying commission order or (b) the commission, district court, Court of Appeals, or Supreme Court issues an order reversing or modifying the underlying commission order. For purposes of this subsection, telecommunications order means an order entered by the commission pursuant to the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, subsection (2) of section 75-109, ~~or~~ sections 75-604 to 75-616, 86-801 to 86-811, 86-1001 to 86-1009, or 86-1201 to 86-1222, or section 8 of this act.

(5) The commission or district court may only issue a stay pursuant to subsection (4) of this section if it finds that (a) the applicant for the stay is likely to prevail when the matter is finally decided, (b) without relief, the applicant will suffer irreparable injury, and (c) the grant of relief to the applicant will not substantially harm other parties to the proceedings. The commission or district court may require the party requesting such stay to give bond in such amount and conditioned as the commission or court may direct. The grant or denial of a stay shall not be considered to be a final order.

Sec. 10. Section 75-156, Revised Statutes Supplement, 2000, is amended to read:

75-156. (1) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to ten thousand dollars per day against any person, motor carrier, regulated motor carrier, common carrier, or contract carrier for each violation of (a) any provision of sections 75-301 to 75-390 administered by the commission or section 75-126 as such section applies to any person or carrier specified in sections 75-301 to 75-390, (b) a commission order entered pursuant to the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications

Universal Service Fund Act, the Telecommunications Relay System Act, subsection (2) of section 75-109, or sections 75-604 to 75-616, 86-801 to 86-811, 86-1001 to 86-1009, or 86-1201 to 86-1222, (c) any term, condition, or limitation of any certificate or permit issued by the commission pursuant to sections 75-301 to 75-390, or (d) any rule, regulation, or order of the commission issued under authority delegated to the commission pursuant to sections 75-301 to 75-390. The civil penalty assessed under this section shall not exceed two million dollars per year for each violation. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(2) Upon notice and hearing in accordance with this section and section 75-157, the commission may enter an order assessing a civil penalty of up to one hundred dollars against any person, firm, partnership, limited liability company, corporation, cooperative, or association for failure to file an annual report as required by section 75-116 and as prescribed by commission rules and regulations or for failure to register as required by section 8 of this act and as prescribed by commission rules and regulations. Each day during which the violation continues after the commission has issued an order finding that a violation has occurred constitutes a separate offense. Any party aggrieved by an order of the commission under this section, except an order assessing a civil penalty issued under subdivision (1)(b) of this section, has the rights of appeal set forth in section 75-136.01. For an order assessing a civil penalty issued under subdivision (1)(b) of this section, any party aggrieved may appeal. The appeal shall be in accordance with the Administrative Procedure Act.

(3) When any person or party is accused of any violation listed in this section, the commission shall notify such person or party in writing (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, rule, regulation, or order purportedly violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty, the commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the commission, the penalty may be collected by civil action in the district court of Lancaster County.

Sec. 11. (1) One of the goals of the federal Telecommunications Act of 1996, as such act existed on January 1, 2002, is to foster competition among telephone companies. Section 271 of the federal act (a) establishes specific incentives, procedures, and requirements for regional Bell operating companies to offer inter-LATA interexchange service and (b) requires the Public Service Commission to monitor the competitive performance of a regional Bell operating company and to consult with the Federal Communications Commission regarding such activities.

(2) The Nebraska Competitive Telephone Marketplace Fund is created. The Public Service Commission may accept, and the fund shall consist of, any voluntary performance payments received from a regional Bell operating company. The fund shall be used by the commission for expenses related to the monitoring of compliance with section 271 of the federal act. If money in the fund exceeds one hundred thousand dollars, the commission shall remit such excess money to the State Treasurer for credit to the Nebraska Internet Enhancement Fund. Any money in the Nebraska Competitive Telephone Marketplace Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 12. Section 86-804, Revised Statutes Supplement, 2001, is amended to read:

86-804. The commission shall file with the Clerk of the Legislature an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report may be submitted in electronic format. The report shall address: (1) The quality of telecommunications services being provided to the citizens of Nebraska; (2) the availability of diverse and affordable telecommunications services to all of the people of Nebraska; (3) the level of telecommunications service rates; (4) the Nebraska Telecommunications Universal Service Fund; (5) the availability and location of 911 service and E-911 service as required by section 86-1005; ~~and~~ (6) the availability and location of wireless 911 service or enhanced wireless 911 service as required by section 86-2205; and (7) the

funding level of the Nebraska Competitive Telephone Marketplace Fund and an accounting of commission expenses related to its duties under section 11 of this act. The report also shall address the question of the need for further legislation to achieve the purposes of sections 86-801 to 86-811.

Sec. 13. Section 86-1405, Revised Statutes Supplement, 2001, is amended to read:

86-1405. (1) The Nebraska Telecommunications Universal Service Fund is hereby created. The fund shall provide the assistance necessary to make universal access to telecommunications services available to all persons in the state consistent with the policies set forth in the Nebraska Telecommunications Universal Service Fund Act. Only eligible telecommunications companies designated by the commission shall be eligible to receive support to serve high-cost areas from the fund. A telecommunications company that receives such support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Any such support should be explicit and sufficient to achieve the purpose of the act.

(2) Notwithstanding the provisions of section 86-808, ~~the commission~~ ~~(a) shall~~ in addition to other provisions of the act, and to the extent not prohibited by federal law, the commission:

(a) Shall have authority and power to subject eligible telecommunications companies to service quality, customer service, and billing regulations. Such regulations shall apply only to the extent of any telecommunications services or offerings made by an eligible telecommunications company which are eligible for support by the fund. The commission shall be reimbursed from the fund for all costs related to drafting, implementing, and enforcing the regulations and any other services provided on behalf of customers pursuant to this subdivision;

(b) Shall have authority and power to issue orders carrying out its responsibilities and to review the compliance of any eligible telecommunications company receiving support for continued compliance with any such orders or regulations adopted pursuant to the act;

(c) May ~~and may~~ withhold all or a portion of the funds to be distributed from any telecommunications company failing to continue compliance with ~~its~~ the commission's orders or regulations;

(d) Shall ~~and~~ ~~(b) shall consistent with the Telecommunications Act of 1996,~~ require every telecommunications company to contribute to any universal service mechanism established by the commission pursuant to state law. The commission shall require, as reasonably necessary, an annual audit of any telecommunications company to be performed by a third-party certified public accountant to insure the billing, collection, and remittance of a surcharge for universal service. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited;

(e) Shall require an audit of information provided by a telecommunications company to be performed by a third-party certified public accountant for purposes of calculating universal service fund payments to such telecommunications company. The costs of any audit required pursuant to this subdivision shall be paid by the telecommunications company being audited; ~~and (e) may~~

(f) May administratively fine pursuant to section 75-156 any person who violates the Nebraska Telecommunications Universal Service Fund Act.

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 14. Section 86-1803, Reissue Revised Statutes of Nebraska, is amended to read:

86-1803. Sections 86-1803 to 86-1811 and sections 17 to 20, 22, and 23 of this act shall be known and may be cited as the Nebraska Public Safety Wireless Communication System Act.

Sec. 15. Section 86-1804, Reissue Revised Statutes of Nebraska, is amended to read:

86-1804. The Legislature finds that:

(1) During emergencies the resources of the state and its political subdivisions must be effectively directed to save lives, to protect property, and to meet the needs of its citizens;

(2) Public safety agencies fulfill this unique and essential role;

(3) Public safety agencies are only as effective as their ability to communicate. To adequately ensure public safety, such agencies require an efficient, reliable communication system which accounts for their unique role and the specialized needs that accompany such role;

(4) Present radio communication systems used by public safety agencies during daily operations and emergencies are deficient. Nebraska's

systems are based on outdated technologies, rely on inadequate equipment, are susceptible to communication interference, have limited coverage areas, operate under the constraints of a limited number of radio frequency channels, and lack coordination and the ability to interoperate among city, county, and other local users, state users, and federal users. Additionally, such systems presently do not allow for secure transmissions which are necessary for the protection and integrity of public safety communications;

(5) Recent changes and advances in communication technology, including wireless communication, would increase the capability of public safety agencies to provide efficient and effective public safety services;

(6) Investment in the public safety communication infrastructure is required to ensure the effectiveness of Nebraska's public safety agencies. Since the maintenance of public safety is a paramount concern but the cost of purchasing and operating multiple communication infrastructures is prohibitive, it is imperative that local and state public safety agencies cooperate in their efforts to obtain a single statewide seamless communication system; and

(7) A statewide seamless communication system should balance the need for multiple simultaneous users while maintaining autonomy for the internal use of individual agencies. The objectives of such a system should include maximizing resources and reducing duplication among public safety agencies as well as encouraging cooperation, coordination, consolidation, sharing, and partnerships between public agencies and private entities. ~~Such a system should only be implemented after a precise needs assessment has occurred so that the system meets today's public safety needs and is capable of future additions, including mobile digital data terminals, automatic vehicle locators, and other systems for specific public safety applications, and~~

~~(8) Prior to implementation of a statewide seamless communication system, there should be in place a process for ongoing implementation, management, review, and improvement of such system.~~

Sec. 16. Section 86-1805, Reissue Revised Statutes of Nebraska, is amended to read:

86-1805. For purposes of the Nebraska Public Safety Wireless Communication System Act:

(1) Acquisition agency means any joint entity created pursuant to the Interlocal Cooperation Act to acquire real and personal property and construct facilities to be made available for use in connection with the system;

(2) Alliance means any joint entity created pursuant to the Interlocal Cooperation Act to operate, maintain, and manage the system;

(3) Board means the Public Safety Wireless Communication Advisory Board created in section 86-1811;

~~(2)~~ (4) Division means the division of communications of the Department of Administrative Services;

~~(3)~~ (5) Public safety agency means any federal, state, or political subdivision entity which provides emergency and public safety services, including medical services, law enforcement services, fire management protection services, electric utility services, correctional services, and emergency and disaster relief services; and

~~(4)~~ (6) System means a statewide seamless wireless communication system. created in section 86-1806.

Sec. 17. In order to establish a system:

(1) An acquisition agency may be established as a joint entity under the Interlocal Cooperation Act. An acquisition agency shall acquire real and personal property for use in connection with such system and shall construct any facilities necessary to implement such system; and

(2) An alliance may be established as a joint entity under the Interlocal Cooperation Act to operate, maintain, and manage the system. In addition to the requirements in section 13-804, an agreement to establish an alliance may provide that the State of Nebraska, on behalf of the Department of Administrative Services, the Game and Parks Commission, and the Board of Regents of the University of Nebraska, may be a member of the alliance.

Sec. 18. As authorized under the Nebraska Public Safety Wireless Communication System Act and the Interlocal Cooperation Act, the purposes of an alliance may include, but are not limited to, the following:

(1) Promoting efficiency under the acts by enabling members to cooperate with each other on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will best reflect geographic, economic, population, and other factors influencing the needs and development of the state and local communities;

- (2) Enabling members to jointly operate, regulate, manage, and maintain a system;
- (3) Enabling members to apply jointly for grants in support of a system;
- (4) Administering and distributing grants for the development of a system;
- (5) Entering into operational service agreements with members for use of a system, training, and related services;
- (6) Entering into an operating agreement with an acquisition agency for operation and maintenance of a system;
- (7) Entering into interoperability agreements with nonmember entities as needed to foster public safety;
- (8) Providing for revenue to pay operation and administration costs of a system through periodic charges for availability and use of such system;
- (9) Contracting for services for a system; and
- (10) Contracting with any public or private entity for the administration, operation, or maintenance of a system.

Sec. 19. An alliance may be organized with a governing body referred to as an executive board. An executive board may be comprised of no more than nine voting members as follows:

- (1) Three members appointed by the Governor to represent the State of Nebraska on behalf of the Department of Administrative Services, the Game and Parks Commission, and the Board of Regents of the University of Nebraska. One such member may be a director of homeland security in Nebraska. Members appointed under this subdivision may not constitute more than one-third of the voting membership of the executive board;
- (2) Two members selected by the Governor in consultation with municipalities to represent participating cities and villages;
- (3) Two members selected by the Governor in consultation with counties to represent participating counties;
- (4) One member selected by the Governor in consultation with public power districts to represent participating public power districts; and
- (5) One member selected by the Governor in consultation with fire protection districts to represent participating fire protection districts.

Sec. 20. (1) A member of the executive board may serve until his or her successor is appointed or selected by the Governor as provided in section 19 of this act.

- (2) Each executive board member may have one vote.
- (3) A majority of all voting executive board members may constitute a quorum for the transaction of any alliance business.
- (4) The executive board may elect a chairperson, a vice-chairperson, and a secretary-treasurer. The chairperson or, in his or her absence, the vice-chairperson may preside at executive board meetings. The executive board may appoint an assistant secretary-treasurer who is not a board member.
- (5) Meetings of the executive board may be called by the chairperson, vice-chairperson, or secretary-treasurer. A written notice of the meeting and agenda may be provided to each executive board member at least five days prior to any meeting. Public notice of an executive board meeting may be provided in accordance with sections 84-1408 to 84-1414.
- (6) An executive board may prepare and adopt a budget based on a fiscal year as determined for the operation of the alliance.

Sec. 21. Section 86-1806, Reissue Revised Statutes of Nebraska, is amended to read:

86-1806. ~~Based upon an~~ (1) An acquisition agency may acquire real and personal property and may construct facilities based upon (a) the implementation plan, (b) ~~and~~ the ongoing advice and assistance of the board, and the division, and (c) the determinations made by the members and governing body of the acquisition agency.

(2) An alliance is a public body which may be operated not for profit with no profit or dividend inuring to the benefit of any individual. An alliance may employ consultants and other persons as deemed necessary and may set and approve compensation for such consultants and other persons. An alliance may have all powers authorized under the Nebraska Public Safety Wireless Communication System Act and the Interlocal Cooperation Act and may operate, maintain, and manage the system pursuant to an operating agreement entered into by the acquisition agency and the alliance. Any operating agreement may provide that the alliance shall (a) make the system available ~~shall establish and implement a statewide seamless wireless communication system~~ for the use of all state public safety agencies. ~~The infrastructure of such system shall be operated and maintained by the state within the division. The division shall~~ and (b) allow local, state, and federal public safety agencies to interconnect with the ~~state's~~ system's infrastructure to enable

multi-agency, multijurisdictional responses to public safety situations.

(3) The Governor, acting on behalf of the state or any of its agencies or departments, may assign any license or other user rights relating to or useful for public safety communications, whether presently owned or subsequently acquired on the operative date of this section, to an alliance or acquisition agency.

Sec. 22. (1) The State of Nebraska, on behalf of the Department of Administrative Services and the Game and Parks Commission, is authorized to enter into a service agreement for a statewide seamless wireless communication system with:

(a) Any acquisition agency. The service agreement may extend for a term of years subject to appropriation of funds for payment and shall provide for contracting for user rights with respect to the real and personal property owned by the acquisition agency and used in connection with the system; and

(b) Any alliance. The service agreement may extend for a term of years subject to appropriation of funds for payment and shall specify the services to be provided by the alliance in operating, maintaining, and managing the system.

(2) The Board of Regents of the University of Nebraska may, in its discretion, participate as a contracting party in any service agreement entered into pursuant to subsection (1) of this section.

Sec. 23. (1) Notwithstanding any other provision of Nebraska law, any city, county, village, public power district, or fire protection district may enter into a service agreement with any joint entity created pursuant to the Interlocal Cooperation Act or any joint public agency created pursuant to the Joint Public Agency Act which owns or operates or proposes to own or operate any public safety communication project for obtaining communication services, including the use or right to use real or personal property included in any such project. This subsection shall not be construed to authorize any service agreements that conflict with the provisions for the sale or lease of dark fiber pursuant to sections 86-2301 to 86-2307.

(2) Any such service agreement may provide for the following:

(a) The payment of fixed or variable periodic amounts for service or the right to obtain service, including the use or right to use real or personal property;

(b) That such service agreement may extend for a term of years as determined by the governing body of the city, county, village, public power district, or fire protection district and be binding upon such city, county, village, public power district, or fire protection district over such term of years;

(c) That fixed or variable periodic amounts payable may be determined based upon any of the following factors:

(i) Operating, maintenance, and management expenses, including renewals and replacements for facilities and equipment;

(ii) Amounts payable with respect to debt service on bonds or other obligations, including margins of coverage if deemed appropriate; and

(iii) Amounts necessary to build or maintain operating reserves, capital reserves, and debt service reserves;

(d) That any such service agreement may require payment to be made in the agreed fixed or variable periodic amounts irrespective of whether such public safety communication project or statewide seamless wireless communication system is completed or operational and notwithstanding any suspension, interruption, interference, reduction, or curtailment of the services of such project or system; and

(e) Such other provisions as the parties to the service agreement deem appropriate in connection with providing and obtaining public safety communication service, including the acquisition of real and personal property, the construction of facilities, and the operation, maintenance, and management of services, property, and facilities.

(3) In order to provide for the payments due under such service agreement:

(a) Any city, county, village, or fire protection district may provide that payments may be made from a special tax levied for such purpose upon all taxable property within such city, county, village, or fire protection district, if determined appropriate by the governing body by a vote of three-fourths of the members of the governing body, if there are four or more members of such body, or by a vote of two-thirds of the members of the governing body, if there are less than four members of such body. The special tax shall for all purposes of Nebraska law, including limitations upon tax levies, budgets, revenue, and expenditures of public funds, have the same status as a tax levied for the purpose of paying the bonded indebtedness of such city, county, village, or fire protection district; and

(b) Any public power district may pledge the revenue of the district, subject to any existing pledges made for bonded indebtedness or borrowings from the United States or any other party and existing conditions relating to issuance of additional bonds or other indebtedness, and, if deemed appropriate by the governing body, the service agreement may have the status of revenue bond indebtedness issued pursuant to sections 70-631 to 70-635.

Sec. 24. Section 86-1808, Reissue Revised Statutes of Nebraska, is amended to read:

86-1808. ~~(1) The division and board shall assist public safety agencies joining the system and interface the agencies' existing equipment into the system when feasible. Public safety agencies shall purchase and own their subscriber equipment to interconnect with the system infrastructure. Public safety agencies shall be assessed a subscriber fee as determined by the division for use of the system. The subscriber fee shall be collected by the division and credited to the Public Safety Communications Fund.~~

(2) The Public Safety Communications Fund is created. The fund shall be administered by the division and shall consist of such money as appropriated by the Legislature. No General Funds shall be appropriated to the Public Safety Communications Fund until legislation has been passed identifying the share of the costs to be paid by the State of Nebraska and specifically authorizing the transfer of funds. The Public Safety Communications Fund shall be used for any costs and payments to be made by the State of Nebraska pursuant to the Nebraska Public Safety Wireless Communication System Act. The fund shall contain subscriber fees for use of the system as well as any public or private funds, including federal grant money. The board shall have oversight over any expenditures from the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 25. Section 86-1811, Reissue Revised Statutes of Nebraska, is amended to read:

86-1811. (1) The Public Safety Wireless Communication Advisory Board is created. The board shall provide advice to the division to implement the Nebraska Public Safety Wireless Communication System Act and any alliance on the administration of the system, including upgrades and expansions, and on the assessment of the communication needs of public safety agencies. For administrative and budgetary purposes, the board shall be within the division. The division shall provide office space, equipment, technical assistance, and staff support for the board.

(2) The board shall consist of the following members, all of whom shall be individuals with knowledge of the communication needs of their represented agencies or constituencies:

- (a) A representative of the division who is an ex officio member;
- (b) A representative of the Department of Correctional Services;
- (c) A representative of the Department of Roads;
- (d) A representative of the Game and Parks Commission;
- (e) A representative of the Nebraska State Patrol;
- (f) A representative of the Department of Health and Human Services Regulation and Licensure;
- (g) A representative of the Nebraska Emergency Management Agency;
- (h) A representative of the Nebraska County Sheriffs Association;
- (i) A representative of the Police Officers Association of Nebraska;
- (j) A representative of the Nebraska Association of County Officials;
- (k) A representative of the League of Nebraska Municipalities;
- (l) A representative of the ~~Criminal Justice Advisory Committee~~ Nebraska Commission on Law Enforcement and Criminal Justice;
- (m) A representative of professional firefighters;
- (n) A representative of volunteer firefighters; and
- (o) A representative of emergency medical services.

A chairperson of the board shall be elected annually by a vote of the majority of the board. The board may establish subcommittees and working groups as deemed necessary.

(3) Members of the board representing agencies listed in subdivisions (2)(a) through (2)(l) of this section shall be appointed by their respective agencies, and members representing constituencies listed in subdivisions (2)(m) through (2)(o) of this section shall be appointed by the Governor. ~~Initial appointments to the board shall be made within thirty days after May 26, 1999.~~ In the case of a vacancy, a successor shall be appointed in the same manner as the initial appointment.

(4) The board shall hold at least four meetings annually. ~~The first organizational meeting shall be held within sixty days after May 26, 1999.~~ A

quorum of voting members is required to conduct business. Members shall be reimbursed from the Public Safety Communications Fund for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.

(5) Prior to December 1 of each year, the board shall provide a written report to the Legislature on the progress of the system.

Sec. 26. Section 86-2306, Revised Statutes Supplement, 2001, is amended to read:

86-2306. The Nebraska Internet Enhancement Fund is created. The fund shall be used to provide financial assistance to install and deliver broadband or other advanced telecommunications infrastructure and service throughout the state. It is the intent of the Legislature that two hundred fifty thousand dollars shall be appropriated to the fund to be used for startup costs and seed money for FY2001-02. The Public Service Commission may receive gifts, contributions, property, and equipment from public and private sources for purposes of the fund. The fund shall consist of money appropriated by the Legislature, any money transferred pursuant to section 11 of this act, and gifts, grants, or bequests from any source, including federal, state, public, and private sources. Money in the fund shall be distributed by the commission pursuant to section 86-2307. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 27. Sections 8 to 10, 13, and 29 of this act become operative on September 1, 2002. The other sections of this act become operative on their effective date.

Sec. 28. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 29. Original sections 75-134 and 75-156, Revised Statutes Supplement, 2000, and section 86-1405, Revised Statutes Supplement, 2001, are repealed.

Sec. 30. Original sections 13-808, 58-201, 58-203, 86-1803 to 86-1806, 86-1808, and 86-1811, Reissue Revised Statutes of Nebraska, sections 13-2530, 58-202, and 58-219, Revised Statutes Supplement, 2000, and sections 86-804 and 86-2306, Revised Statutes Supplement, 2001, are repealed.

Sec. 31. The following sections are outright repealed: Sections 86-1807 and 86-1810, Reissue Revised Statutes of Nebraska.

Sec. 32. Since an emergency exists, this act takes effect when passed and approved according to law.