

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 155

Introduced by DeBoer, 10.

Read first time January 09, 2023

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Small Wireless Facilities Deployment
- 2 Act; to amend section 86-1241, Revised Statutes Cumulative
- 3 Supplement, 2022; to provide for applicability of a limitation on an
- 4 authority's power relating to certain activities of a communications
- 5 service provider; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-1241, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 86-1241 (1) Except as provided by the Small Wireless Facilities
4 Deployment Act or applicable federal law, an authority shall continue to
5 exercise zoning, land-use, planning, and permit-granting authority within
6 its territorial boundaries, including with respect to wireless support
7 structures and utility poles, except that no authority shall have or
8 exercise any jurisdiction or authority over the design, engineering,
9 construction, installation, or operation of any small wireless facility
10 located in an interior structure or upon the site of any college or
11 university campus, stadium, or athletic facility not owned or controlled
12 by the authority, other than to comply with applicable codes. An
13 authority shall evaluate the structure classification for wireless
14 support structures under the standard of the American National Standards
15 Institute found in ANSI/TIA-222, as such standard existed on January 1,
16 2019. Nothing in the Small Wireless Facilities Deployment Act shall
17 authorize the State of Nebraska or any agency or political subdivision
18 thereof, including an authority, to require wireless facility deployment
19 or to regulate wireless services.

20 (2) Except as provided in the Small Wireless Facilities Deployment
21 Act or as otherwise specifically authorized by state or federal law, an
22 authority may not impose or collect a tax, fee, or rate on a
23 communications service provider authorized to operate in a right-of-way
24 by federal, state, or local law for the provision of communications
25 service over the communications service provider's communications
26 facilities in the right-of-way, adopt or enforce any regulations or
27 requirements on the placement or operation of communications facilities
28 in the right-of-way by the communications service provider, or regulate
29 any communications services. This subsection does not apply to the
30 activities of a communications service provider that are outside the
31 scope of the Small Wireless Facilities Deployment Act.

1 Sec. 2. Original section 86-1241, Revised Statutes Cumulative
2 Supplement, 2022, is repealed.