

AMENDMENTS TO LB 1091

Introduced by Krist

1 1. Strike section 8 and insert the following new
2 sections:

3 Sec. 7. Section 86-435, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 86-435 (1) A governing body may incur any nonrecurring or
6 recurring charges for the installation, maintenance, and operation
7 of 911 service and shall pay such costs out of general funds which
8 may be supplemented by funds from the imposition of a service
9 surcharge. A governing body incurring costs for 911 service may
10 impose a uniform service surcharge of up to fifty cents per month
11 on each telephone number or functional equivalent of service users
12 whose primary place of use is within the governing body's 911
13 service area, except for those service users served by wireless
14 carriers as defined in section 86-456 and those service users who
15 have no access to 911 service. The initial service surcharge may be
16 imposed at any time subsequent to the execution of an agreement for
17 911 service with a service supplier.

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

23 (a) Publication of notices for a public hearing. Such

1 notices shall:

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

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

7 (iii) Set forth the purpose of the public hearing and the
8 purpose of the increase; and

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

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

22 (4) If a governing body's 911 service area includes
23 a local exchange area which intersects governmental boundary
24 lines, the affected governmental units may cooperate to provide
25 911 service through an agreement as provided in the Interlocal
26 Cooperation Act or the Joint Public Agency Act. The agreement shall
27 provide for the assessment of a uniform service surcharge within a

1 governing body's 911 service area. The service surcharge on each
2 telephone number or functional equivalent of service users whose
3 primary place of use is within the governing body's 911 service
4 area, except for those service users served by wireless carriers
5 as defined in section 86-456 and those service users who have no
6 access to 911 service, shall be the same as the amount allowed in
7 subsections (1) and (2) of this section.

8 (5) Funds generated by the service surcharge
9 shall be expended only for the purchase, installation,
10 maintenance, and operation of telecommunications equipment and
11 telecommunications-related services required for the provision of
12 911 service.

13 Sec. 9. Section 86-457, Reissue Revised Statutes of
14 Nebraska, is amended to read:

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

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

1 The wireless carrier is not liable for any surcharge not
2 paid by a customer.

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

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

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

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

25 ~~(6) The duty to remit any surcharges established pursuant~~
26 ~~to subsection (5) of this section is the responsibility of the~~
27 ~~wireless carrier.~~

1 (4) The surcharge authorized by this section shall not
2 apply to prepaid wireless telecommunications service as defined in
3 section 2 of this act.

4 ~~(7)~~ (5) This section shall not apply to users who have no
5 911 service.

6 2. On page 3, line 11, strike "subdivision (1)(b)" and
7 insert "subsection (1)".

8 3. Renumber the remaining sections and correct internal
9 references accordingly.

10 4. Correct the operative date and repealer sections so
11 that the sections added by this amendment become operative on
12 January 1, 2013.