

## LEGISLATIVE BILL 257

Approved by the Governor May 26, 1971

Introduced by Terry Carpenter, 48th District

AN ACT relating to counties; to provide for the regulation and taxation of community antenna television service as prescribed; to provide penalties; and to provide severability.  
Be it enacted by the people of the State of Nebraska,

Section 1. All counties in Nebraska are hereby authorized and empowered by resolution to regulate the construction, installation, operation, and maintenance within their county limits and outside the limits of any incorporated city or village of all persons or entities furnishing community antenna television service. All counties, acting through their county boards, shall have power to require every individual or entity offering such service, subject to reasonable rules and regulations, to furnish any person applying therefor along the lines of its wires, cables or other conduits, with community antenna television service. The county board shall have power to prescribe reasonable quality standards for such service and to regulate and fix reasonable and compensatory rents or rates for such service including installation charges.

Sec. 2. It shall be unlawful for any person, firm, or corporation to construct, install, operate, or maintain in or along the streets, alleys and public ways, or elsewhere within the limits of any county, and outside of the limits of any incorporated city or village a community antenna television service without first obtaining, from such county, a permit which permit shall authorize the grantee to provide community antenna television service on a nonexclusive basis within the limits of the county.

Sec. 3. Counties may require the filing with the county clerk by the person, firm, or corporation constructing, installing, operating, or maintaining such community antenna television service of a proper map showing the exact location of all underground cables and equipment, together with a statement showing the exact nature of the same.

Sec. 4. Counties may levy an annual occupation tax against any person, firm, or corporation now maintaining and operating any community antenna

television service within its boundaries; and may levy an annual occupation tax against any persons, firms, or corporations hereafter constructing, installing, operating, or maintaining such community antenna television service. Any such occupation tax so levied shall be due and payable on May 1 of each year to the treasurer of such county.

Sec. 5. In the event of violation of any provision of this act by any person or entity furnishing community antenna television service, the county having granted such permit shall immediately serve notice of such violation upon the permit holder with directions to correct such violation within ninety days or show cause why such violation should not be corrected at a public hearing held in conjunction with the next regularly scheduled meeting of the board. Continued violation of this act may be enjoined by the district court. Any person who willfully violates any provision of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars for each offense.

Sec. 6. No community television franchise heretofore or hereafter granted by any municipality under the provisions of Chapter 18, article 22, Reissue Revised Statutes of Nebraska, 1943, shall be affected by the provisions of this act.

Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.