

## LEGISLATIVE BILL 133

Approved by the Governor March 27, 1991

Introduced by Baack, 47; Withem, 14

AN ACT relating to emergency telephone communications systems; to amend sections 86-1002 and 86-1003, Revised Statutes Supplement, 1990; to redefine terms; to authorize interlocal agreements for the provision of 911 service; and to repeal the original sections.

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

Section 1. That section 86-1002, Revised Statutes Supplement, 1990, be amended to read as follows:

86-1002. For purposes of sections 86-1001 to 86-1009:

(1) Governing body shall mean the board of county commissioners or supervisors of a county, the city council of a city, the board of trustees of a village, or the board of directors of any rural or suburban fire protection district;

(2) Local exchange access line shall mean any telephone line that has the ability to access local dial tone and reach local public safety agencies a public safety answering point by dialing 911;

(3) 911 service shall mean a telephone service which provides a service user with the ability to reach a public safety answering point by dialing the digits 911 for the purpose of reporting emergencies. The level of technology to be used for the provision of 911 service in a particular 911 service area shall be determined by the governing bodies having jurisdiction over such area;

(4) 911 service area shall mean (a) the portion of a governing body's jurisdiction in which 911 service is provided and (b) an area being provided 911 service by contract with a service supplier on or before January 1, 1990, notwithstanding the crossing of jurisdictional lines, until such time as the noncontracting governing body notifies the contracting governing body in writing of its intention to opt out of the 911 service area;

(5) Public safety agency shall mean an agency which actually provides firefighting, law enforcement, ambulance, emergency medical, or other emergency

services;

(6) Public safety answering point shall mean a twenty-four-hour, local-jurisdiction communications facility which receives 911 service calls and either directly dispatches emergency services or relays calls to the appropriate public safety agency;

(7) Service supplier shall mean any person providing 911 service in this state;

(8) Service surcharge shall mean a charge set by a governing body and assessed on each local exchange access line which physically terminates within the governing body's designated 911 service area; and

(9) Service user shall mean any person who is provided local exchange access line service in this state.

Sec. 2. That section 86-1003, Revised Statutes Supplement, 1990, be amended to read as follows:

86-1003. (1) A governing body may incur any nonrecurring or recurring charges for the installation, maintenance, and operation of 911 service and shall pay such costs out of general funds which may be supplemented by funds from the imposition of a service surcharge. A governing body incurring costs for 911 service may impose a uniform service surcharge in an amount not to exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area. The initial service surcharge may be imposed at any time subsequent to the execution of an agreement for 911 service with a service supplier.

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

(3) If a governing body's 911 service area includes a local exchange area which intersects governmental boundary lines, the affected governmental units may cooperate to provide 911 service through an

interlocal agreement as provided in the Interlocal Cooperation Act. The agreement shall provide for the assessment of a uniform service surcharge within a governing body's 911 service area. The service surcharge shall not exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area.

Sec. 3. That original sections 86-1002 and 86-1003, Revised Statutes Supplement, 1990, are repealed.