

E & R AMENDMENTS TO LB 585

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. For purposes of sections 1 to 12 of this
4 act:

5 (1) Automatic number identification means a feature by
6 which a person calling a public safety answering point has his or
7 her ten-digit telephone number simultaneously forwarded to the
8 public safety answering point and to the public safety answering
9 point's display and transfer units;

10 (2) Advisory board means the Enhanced Wireless 911
11 Advisory Board;

12 (3) Commission means the Public Service Commission;

13 (4) E-911 service shall have the same meaning as in
14 subdivision (3) of section 86-1002;

15 (5) Enhanced wireless 911 service means a telephone
16 exchange communications service by which wireless carriers can
17 provide automatic number identification, pseudo-automatic number
18 identification, and wireless automatic location identification
19 information to a public safety answering point which has capability
20 of providing selective routing, selective transfer, fixed transfer,
21 automatic number identification, and wireless automatic location
22 identification;

23 (6) Governing body shall have the same meaning as in
24 subdivision (4) of section 86-1002;

1 (7) 911 service shall have the same meaning as in
2 subdivision (6) of section 86-1002;

3 (8) Pseudo-automatic number identification means a
4 feature by which automatic number identification is provided to a
5 public safety answering point of the ten-digit telephone number of
6 the specific cell site or cell site sector from which a wireless
7 call originated;

8 (9) Public safety agency shall have the same meaning as
9 in subdivision (8) of section 86-1002;

10 (10) Public safety answering point shall have the same
11 meaning as in subdivision (9) of section 86-1002;

12 (11) Ten-digit telephone number means a telephone number
13 assigned to a particular telephone account prefaced by the area
14 code;

15 (12) Wireless automatic location identification means a
16 feature by which information is provided to a public safety
17 answering point identifying the location, the latitude and
18 longitude within the parameters established by the Federal
19 Communication Commission, of a wireless unit originating a call to
20 a public safety answering point; and

21 (13) Wireless carrier means (a) any carrier of commercial
22 mobile radio service as defined in 47 U.S.C. 153(27) and 332(d) and
23 47 C.F.R. 20.18, or (b) any cellular licensee, personal
24 communications licensee, and specialized mobile radio carrier
25 defined in 47 C.F.R. 20.18.

26 Sec. 2. Commencing July 1, 2001, each wireless carrier
27 who has a subscriber with a billing address in Nebraska shall

1 collect a surcharge of fifty cents per month per access line. The
2 wireless carrier shall add the surcharge to each subscriber's
3 billing statement. The wireless carrier shall not be liable for
4 any surcharge not paid by a subscriber and shall not be obligated
5 to take legal action to collect the surcharge. The surcharge shall
6 appear as a separate line-item charge on the subscriber's billing
7 statement and shall be labeled as 'Enhanced Wireless 911
8 Surcharge'. The commission may take any legal action as it deems
9 necessary to collect unpaid surcharges in its own name, as a real
10 party in interest, or by assigning such debt for collection to a
11 third party.

12 Sec. 3. Each wireless carrier shall remit to the
13 commission the amount of surcharge collected in a calendar quarter
14 together with any forms required by the commission no later than
15 sixty days after the last day of the quarter. The wireless carrier
16 shall maintain surcharge and remittance records for a period of two
17 years after the date of the subscriber's billing statement. The
18 commission shall remit the funds to the State Treasurer for credit
19 to the Enhanced Wireless 911 Fund. The commission may at its own
20 expense require an audit of any wireless carrier's books and
21 records concerning the collection and remittance of the surcharge
22 pursuant to sections 1 to 12 of this act.

23 Sec. 4. The Enhanced Wireless 911 Advisory Board is
24 created to advise the commission concerning the implementation,
25 development, administration, coordination, evaluation, and
26 maintenance of enhanced wireless 911 service. The advisory board
27 shall be composed of nine individuals appointed by the Governor,

1 including:

2 (1) One sheriff;

3 (2) Two county officials or employees;

4 (3) Two municipal officials or employees;

5 (4) Two representatives from the state's wireless
6 telecommunications industry;

7 (5) One manager of a public safety answering point not
8 employed by a sheriff;

9 (6) One representative of the state's local exchange
10 telecommunications service industry; and

11 (7) The Director of Administrative Services or his or her
12 designee who shall serve as an ex officio member.

13 For members of the initial board as described in
14 subdivisions (1) through (6) of this section, three members shall
15 be appointed for a term of one year, three members shall be
16 appointed for a term of two years, and three members shall be
17 appointed for a term of three years. Each succeeding member of the
18 board shall be appointed for a term of three years. The board
19 shall meet as often as necessary to carry out its duties. Members
20 of the board shall be reimbursed for their actual and necessary
21 expenses as provided in sections 81-1174 to 81-1177.

22 Sec. 5. The advisory board shall make recommendations to
23 the commission regarding the implementation of sections 1 to 12 of
24 this act, including:

25 (1) The allocation of funds from the Enhanced Wireless
26 911 Fund as specified in section 8 of this act;

27 (2) Rules and regulations necessary to carry out the

1 provisions of sections 1 to 12 of this act;

2 (3) Any adjustments in the surcharge amount to recommend
3 to the Legislature; and

4 (4) The resolution of any disputes between public safety
5 answering points and wireless carriers.

6 The commission may approve and implement any
7 recommendations of the advisory board.

8 Sec. 6. The Enhanced Wireless 911 Fund is created. The
9 fund shall consist of the surcharges credited to the fund, any
10 money appropriated by the Legislature, any federal funds received
11 for wireless emergency communication, and any other funds
12 designated for credit to the fund. Money in the fund shall be used
13 for the costs of administering the fund and the purposes specified
14 in section 8 of this act unless otherwise directed by federal law
15 with respect to any federal funds. The costs of administering the
16 fund shall be kept to a minimum. The money in the fund shall not
17 be subject to any fiscal-year limitation or lapse provision of
18 unexpended balance at the end of any fiscal year or biennium. Any
19 money in the fund available for investment shall be invested by the
20 state investment officer pursuant to the Nebraska Capital Expansion
21 Act and the Nebraska State Funds Investment Act.

22 Sec. 7. A public safety answering point may enter into a
23 service agreement with one or more wireless carriers. The
24 commission shall determine the most efficient method for providing
25 enhanced wireless 911 service.

26 Sec. 8. (1) The commission shall, in consultation with
27 the advisory board:

1 (a) Determine the costs to implement wireless automatic
2 location identification;

3 (b) Determine the level of funding needed to trigger
4 disbursements pursuant to sections 1 to 12 of this act;

5 (c) Determine the percentage of the fund to be allocated
6 to each funding purpose, including the percentage that shall be
7 designated for funding 911 service under subdivision (2)(c) of this
8 section; and

9 (d) Determine how the funds distributed under
10 subdivisions (2)(a) and (2)(c) of this section are to be allocated
11 among the wireless carriers and the public safety answering points.

12 (2) The commission shall, in consultation with the
13 advisory board, establish eligibility standards and criteria for
14 fund disbursement applications and standards and criteria
15 concerning the level of fund disbursement for each application. In
16 establishing such criteria and standards, the following purposes
17 shall be eligible for funding:

18 (a) Costs incurred or to be incurred by wireless carriers
19 to implement enhanced wireless 911 service pursuant to a service
20 agreement with a public safety answering point or pursuant to a
21 request for service from a public safety answering point. Such
22 costs shall include, but not be limited to, the portion of the
23 costs for new equipment used for providing enhanced wireless 911
24 service, costs to lease another vendor's equipment or services to
25 provide enhanced wireless 911 service, costs to create or maintain
26 any database or database elements used solely for enhanced wireless
27 911 service, and other costs of establishing enhanced wireless 911

1 service. The portion of the costs of equipment or services used in
2 the wireless carrier's main infrastructure resulting in revenue to
3 the wireless carrier is not eligible for funding;

4 (b) Costs incurred or to be incurred by public safety
5 answering points to implement enhanced wireless 911 service,
6 including, but not limited to, purchases of new equipment, costs of
7 upgrades, modification and personnel training used solely to
8 process the data elements of enhanced wireless 911 service, and
9 maintenance costs and license fees for new equipment;

10 (c) Costs incurred or to be incurred by public safety
11 answering points for the purchase, installation, maintenance, and
12 operation of telecommunications equipment and telecommunications
13 services required for the provision of 911 service, E-911 service,
14 or enhanced wireless 911 service; and

15 (d) Expenses incurred by members of the advisory board
16 while performing duties required by sections 1 to 12 of this act.

17 (3) The commission shall have any powers necessary to
18 carry out the intent and purposes of sections 1 to 12 of this act.

19 Sec. 9. (1) A public safety answering point and wireless
20 carrier shall be compensated for costs determined by the commission
21 to be eligible for funding. A public safety answering point or
22 wireless carrier may apply for disbursement from the Enhanced
23 Wireless 911 Fund by submitting a written application to the
24 commission. The commission shall receive and review applications,
25 including supporting documentation. The commission shall notify
26 each applicant as to the commission's approval or disapproval of
27 the application.

1 (2) Each entity that receives disbursements from the fund
2 shall make a full accounting of the money in a manner and form
3 prescribed by the commission.

4 Sec. 10. Information provided by wireless carriers to
5 the advisory board or the commission pursuant to sections 1 to 12
6 of this act may be treated as records which may be withheld from
7 the public upon request of the party submitting such records if the
8 information qualifies under subdivision (3) of section 84-712.05.

9 Sec. 11. The commission, governing bodies, and public
10 safety agencies may provide enhanced wireless 911 service. In
11 contracting for and providing such service, except for failure to
12 use reasonable care or for intentional acts, the commission, each
13 governing body, each public safety agency, each wireless carrier,
14 and their employees and agents shall be immune from liability or
15 the payment of damages in the performance of installing,
16 maintaining, or providing enhanced wireless 911 service.

17 Sec. 12. The commission, in consultation with the
18 advisory board, shall adopt and promulgate rules and regulations to
19 carry out the provisions of sections 1 to 12 of this act.

20 Sec. 13. Since an emergency exists, this act takes
21 effect when passed and approved according to law."