

## ENGROSSED LEGISLATIVE BILL 362

Introduced by DeBoer, 10; Fredrickson, 20.

A BILL FOR AN ACT relating to 911 services; to amend sections 75-132.01, 86-124, 86-125, 86-163, 86-313, 86-429, 86-429.01, 86-432, 86-433, 86-435, 86-436, 86-437, 86-438, 86-439, 86-440, 86-440.01, 86-441, 86-441.01, 86-449.01, 86-456, 86-456.01, 86-457, 86-458, 86-459, 86-460, 86-466, 86-467, 86-468, 86-470, 86-472, 86-802, 86-903, 86-905, 86-1001, 86-1002, 86-1003, 86-1004, 86-1006, 86-1006.01, 86-1007, 86-1011, 86-1012, 86-1013, 86-1014, 86-1015, 86-1017, 86-1018, 86-1019, 86-1020, 86-1021, 86-1022, 86-1023, 86-1024, 86-1024.01, 86-1025, 86-1025.01, 86-1026, 86-1028, 86-1029, 86-1029.01, 86-1029.02, 86-1029.03, 86-1029.04, and 86-1031, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-126, 75-156, and 77-2703.04, Revised Statutes Cumulative Supplement, 2024; to define, redefine, and eliminate terms; to transfer and eliminate provisions of the Emergency Telephone Communications Systems Act and the Enhanced Wireless 911 Services Act; to change provisions of the 911 Service System Act; to change provisions relating to powers and duties of the Public Service Commission, the 911 Service System Advisory Committee, the 911 Service System Fund, 911 service surcharges, duties and compensation of wireless carriers, public safety answering points, and county implementation of next-generation 911 service; to eliminate the Enhanced Wireless 911 Advisory Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-420, 86-421, 86-422, 86-423, 86-424, 86-425, 86-426, 86-428, 86-430, 86-431, 86-434, 86-442, 86-443, 86-444, 86-445, 86-446, 86-447, 86-448, 86-449, 86-450, 86-450.01, 86-450.03, 86-451, 86-452, 86-453, 86-454, 86-455, 86-461, 86-462, 86-464, 86-465, 86-466.01, 86-469, 86-1005, 86-1008, 86-1009, 86-1010, 86-1016, and 86-1027, Reissue Revised Statutes of Nebraska.

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

**Section 1.** Section 75-109.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

75-109.01 Except as otherwise specifically provided by law, the Public Service Commission shall have jurisdiction, as prescribed, over the following subjects:

- (1) Common carriers, generally, pursuant to sections 75-101 to 75-158;
- (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;
- (3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;
- (4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;
- (5) Motor carrier registration, licensure, and safety pursuant to sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;
- (6) Pipeline carriers and rights-of-way pursuant to the Major Oil Pipeline Siting Act, the State Natural Gas Regulation Act, and sections 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with the provisions of the Major Oil Pipeline Siting Act, the provisions of the Major Oil Pipeline Siting Act control;
- (7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;
- (8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the 911 Service System Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to 86-578, 86-1307, and 86-1308;
- (9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;
- (10) Water service pursuant to the Water Service Regulation Act; and
- (11) Jurisdictional utilities governed by the State Natural Gas Regulation

Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

**Sec. 2.** Section 75-126, Revised Statutes Cumulative Supplement, 2024, is amended to read:

75-126 (1) Except as otherwise provided in this section, no common carrier shall:

(a) Charge, demand, collect, or receive from any person a greater or lesser compensation for any services rendered than it charges, demands, collects, or receives from any other person for doing a like or contemporaneous service;

(b) Make or give any undue or unreasonable preference or advantage to any particular person;

(c) Subject any type of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatsoever;

(d) Charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line or route, except as the commission may prescribe in special cases to prevent manifest injuries, except that no manifest injustice shall be imposed upon any person at intermediate points. This section shall not prevent the commission from making group or emergency rates;

(e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; or

(f) Change any rate, schedule, or classification in any manner whatsoever before application has been made to the commission and permission granted for that purpose, except as otherwise provided in section 86-155.

(2) This section shall not prohibit any common carrier from, and a common carrier shall not be subject to any fine, penalty, or forfeiture for, performing services free or at reduced rates to:

(a) The United States, the State of Nebraska, or any governmental subdivision thereof;

(b) The employees, both present and retired, of such common carrier;

(c) Any person when the object is to provide relief in case of any disaster;

(d) Any person who transports property for charitable purposes;

(e) Ministers and others giving their entire time to religious or charitable work;

(f) Any person who is legally blind or visually handicapped; or

(g) Any person who is sixty-five years of age or older.

**Sec. 3.** Section 75-132.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-132.01 (1) Notwithstanding the provisions of section 75-131, the commission shall have exclusive original jurisdiction over any action concerning a violation of any provision of (a) the Automatic Dialing-Announcing Devices Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, or the 911 Service System Act by any person providing telecommunications service for a fee in Nebraska intrastate commerce pursuant to such acts or (b) sections 86-574 to 86-578 by an agency or political subdivision of the state.

(2) If the commission enters an order declining jurisdiction under subsection (1) of this section, any interested person may petition the district court of the county in which such alleged violation has occurred. If it appears to the court, after a hearing, that a provision of such acts or sections has been violated, the court may issue an injunction or other proper process to restrain the telecommunications company and its directors, officers, employees, or agents or the agency or political subdivision of the state from continuing such violation and may order additional relief. Any party to the case shall have the right to appeal the decision of the district court to the Court of

Appeals under the rules provided by law for appeals in civil cases.

**Sec. 4.** Section 75-156, Revised Statutes Cumulative Supplement, 2024, is amended to read:

75-156 (1) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to ten thousand dollars per day against any person, motor carrier, regulated motor carrier, common carrier, contract carrier, licensee, grain dealer, or grain warehouse operator for each violation of (a) any provision of the laws of this state within the jurisdiction of the commission as enumerated in section 75-109.01, (b) any term, condition, or limitation of any certificate, permit, license, or authority issued by the commission pursuant to the laws of this state within the jurisdiction of the commission as enumerated in section 75-109.01, or (c) any rule, regulation, or order of the commission issued under authority delegated to the commission pursuant to the laws of this state within the jurisdiction of the commission as enumerated in section 75-109.01.

(2) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty not less than one hundred dollars and not more than one thousand dollars against any jurisdictional utility for each violation of (a) any provision of the State Natural Gas Regulation Act, (b) any rule, regulation, order, or lawful requirement issued by the commission pursuant to the act, (c) any final judgment or decree made by any court upon appeal from any order of the commission, or (d) any term, condition, or limitation of any certificate issued by the commission issued under authority delegated to the commission pursuant to the act. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to

achieve compliance after notification of the violation is given.

(3) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to ten thousand dollars per day against any wireless carrier for each violation of the 911 Service System Act or any rule, regulation, or order of the commission issued under authority delegated to the commission pursuant to the act.

(4) In addition to other penalties and relief provided by law, the Public Service Commission may, upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty of up to one thousand dollars against any person for each violation of the Nebraska Uniform Standards for Modular Housing Units Act or the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or any rule, regulation, or order of the commission issued under the authority delegated to the commission pursuant to either act. Each such violation shall constitute a separate violation with respect to each modular housing unit, manufactured home, or recreational vehicle, except that the maximum penalty shall not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

(5) The civil penalty assessed under this section shall not exceed two million dollars per year for each violation except as provided in subsection (4) of this section. The amount of the civil penalty assessed in each case shall be based on the severity of the violation charged. The commission may compromise or mitigate any penalty prior to hearing if all parties agree. In determining the amount of the penalty, the commission shall consider the appropriateness of the penalty in light of the gravity of the violation and the good faith of the violator in attempting to achieve compliance after notification of the violation is given.

(6) Upon notice and hearing in accordance with this section and section 75-157, the commission may enter an order assessing a civil penalty of up to one hundred dollars against any person, firm, partnership, limited liability company, corporation, cooperative, or association for failure to file an annual

report or pay the fee as required by section 75-116 and as prescribed by commission rules and regulations or for failure to register as required by section 86-125 and as prescribed by commission rules and regulations. Each day during which the violation continues after the commission has issued an order finding that a violation has occurred constitutes a separate offense. Any party aggrieved by an order of the commission under this section may appeal. The appeal shall be in accordance with section 75-136.

(7) When any person or party is accused of any violation listed in this section, the commission shall notify such person or party in writing (a) setting forth the date, facts, and nature of each act or omission upon which each charge of a violation is based, (b) specifically identifying the particular statute, certificate, permit, rule, regulation, or order purportedly violated, (c) that a hearing will be held and the time, date, and place of the hearing, (d) that in addition to the civil penalty, the commission may enforce additional penalties and relief as provided by law, and (e) that upon failure to pay any civil penalty determined by the commission, the penalty may be collected by civil action in the district court of Lancaster County.

**Sec. 5.** Section 77-2703.04, Revised Statutes Cumulative Supplement, 2024, is amended to read:

77-2703.04 (1) Except for the telecommunications service defined in subsection (3) of this section, the sale of telecommunications service sold on a call-by-call basis shall be sourced to (a) each level of taxing jurisdiction where the call originates and terminates in that jurisdiction or (b) each level of taxing jurisdiction where the call either originates or terminates and in which the service address is also located.

(2) Except for the telecommunications service defined in subsection (3) of this section, a sale of telecommunications service sold on a basis other than a call-by-call basis and ancillary services are sourced to the customer's place of primary use.

(3)(a) For mobile telecommunications service and ancillary services provided and billed to a customer by a home service provider:

(i) Notwithstanding any other provision of law or any local ordinance or resolution, such mobile telecommunications service is deemed to be provided by the customer's home service provider;

(ii) All taxable charges for such mobile telecommunications service and ancillary services shall be subject to tax by the state or other taxing jurisdiction in this state whose territorial limits encompass the customer's place of primary use regardless of where the mobile telecommunications service originates, terminates, or passes through; and

(iii) No taxes, charges, or fees may be imposed on a customer with a place of primary use outside this state.

(b) In accordance with the federal Mobile Telecommunications Sourcing Act, as such act existed on July 20, 2002, the Tax Commissioner may, but is not required to:

(i) Provide or contract for a tax assignment database based upon standards identified in 4 U.S.C. 119, as such section existed on July 20, 2002, with the following conditions:

(A) If such database is provided, a home service provider shall be held harmless for any tax that otherwise would result from any errors or omissions attributable to reliance on such database; or

(B) If such database is not provided, a home service provider may rely on an enhanced zip code for identifying the proper taxing jurisdictions and shall be held harmless for any tax that otherwise would result from any errors or omissions attributable to reliance on such enhanced zip code if the home service provider identified the taxing jurisdiction through the exercise of due diligence and complied with any procedures that may be adopted by the Tax Commissioner. Any such procedure shall be in accordance with 4 U.S.C. 120, as such section existed on July 20, 2002; and

(ii) Adopt procedures for correcting errors in the assignment of primary use that are consistent with 4 U.S.C. 121, as such section existed on July 20, 2002.

(c) If charges for mobile telecommunications service that are not subject



to tax are aggregated with and not separately stated on the bill from charges that are subject to tax, the total charge to the customer shall be subject to tax unless the home service provider can reasonably separate charges not subject to tax using the records of the home service provider that are kept in the regular course of business.

(d) For purposes of this subsection:

(i) Customer means an individual, business, organization, or other person contracting to receive mobile telecommunications service from a home service provider. Customer does not include a reseller of mobile telecommunications service or a serving carrier under an arrangement to serve the customer outside the home service provider's service area;

(ii) Home service provider means a telecommunications company as defined in section 86-322 that has contracted with a customer to provide mobile telecommunications service;

(iii) Mobile telecommunications service means a wireless communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (A) both one-way and two-way wireless communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations, whether on an individual, cooperative, or multiple basis for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any personal communication service;

(iv) Place of primary use means the street address representative of where the customer's use of mobile telecommunications service primarily occurs. The place of primary use shall be the residential street address or the primary business street address of the customer and shall be within the service area of the home service provider; and

(v) Tax means the sales taxes levied under sections 13-319, 77-2703, 77-27,142, and 77-6403, the surcharges levied under the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay

System Act, and the 911 Service System Act, and any other tax levied against the customer based on the amount charged to the customer. Tax does not mean an income tax, property tax, franchise tax, or any other tax levied on the home service provider that is not based on the amount charged to the customer.

(4) A sale of post-paid calling service is sourced to the origination point of the telecommunications signal as first identified by either (a) the seller's telecommunications system, or (b) information received by the seller from its service provider, where the system used to transport such signals is not that of the seller.

(5) A sale of prepaid calling service or a sale of a prepaid wireless calling service is sourced in accordance with section 77-2703.01, except that in the case of a sale of a prepaid wireless calling service, the rule provided in section 77-2703.01 shall include as an option the location associated with the mobile telephone number.

(6) A sale of a private communication service is sourced as follows:

(a) Service for a separate charge related to a customer channel termination point is sourced to each level of jurisdiction in which such customer channel termination point is located;

(b) Service where all customer termination points are located entirely within one jurisdiction or levels of jurisdiction is sourced in such jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segments of channel are separately charged is sourced fifty percent in each level of jurisdiction in which the customer channel termination points are located; and

(d) Service for segments of a channel located in more than one jurisdiction or levels of jurisdiction and which segments are not separately billed is sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in such jurisdiction by the total number of customer channel termination points.

(7) For purposes of this section:

(a) 800 service means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877, and 888 toll-free calling, and any subsequent numbers designated by the Federal Communications Commission;

(b) 900 service means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the Federal Communications Commission;

(c) Air-to-ground radiotelephone service means a radio telecommunication service, as that term is defined in 47 C.F.R. 22.99, as such regulation existed on January 1, 2007, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft;

(d) Ancillary services means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billings, directory assistance, vertical service, and voice mail services;

(e) Call-by-call basis means any method of charging for telecommunications service where the price is measured by individual calls;

(f) Coin-operated telephone service means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate;

(g) Communications channel means a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points;

(h) Conference bridging service means an ancillary service that links two or more participants of an audio or video conference call and may include the

provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;

(i) Customer means the person or entity that contracts with the seller of telecommunications service. If the end user of telecommunications service is not the contracting party, the end user of the telecommunications service is the customer of the telecommunications service, but this sentence only applies for the purpose of sourcing sales of telecommunications service under this section. Customer does not include a reseller of telecommunications service or for mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area;

(j) Customer channel termination point means the location where the customer either inputs or receives the communications;

(k) Detailed telecommunications billing service means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

(l) Directory assistance means an ancillary service of providing telephone number information and address information;

(m) End user means the person who utilizes the telecommunications service. In the case of an entity, end user means the individual who utilizes the service on behalf of the entity;

(n) Fixed wireless service means a telecommunications service that provides radio communication between fixed points;

(o) International means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a United States territory or possession;

(p) Interstate means a telecommunications service that originates in one state of the United States, or a territory or possession of the United States, and terminates in a different state, territory, or possession of the United States;

(q) Intrastate means a telecommunications service that originates in one state of the United States, or a territory or possession of the United States, and terminates in the same state, territory, or possession of the United States;

(r) Mobile wireless service means a telecommunications service that is transmitted, conveyed, or routed regardless of the technology used, whereby the origination and termination points of the transmission, conveyance, or routing are not fixed, including, by way of example only, telecommunications services that are provided by a commercial mobile radio service provider;

(s) Paging service means a telecommunications service that provides transmission of coded radio signals for the purpose of activating specific pagers. Such transmission may include messages and sounds;

(t) Pay telephone services means a telecommunications service provided through pay telephones;

(u) Post-paid calling service means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism, such as a bank card, travel card, credit card, or debit card, or by a charge made to a telephone number which is not associated with the origination or termination of the telecommunications service. A post-paid calling service includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service except it is not exclusively a telecommunications service;

(v) Prepaid calling service means the right to access exclusively telecommunications service, which is paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

(w) Prepaid wireless calling service means a telecommunications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content, and ancillary services, which must be paid

for in advance, that is sold in predetermined units of dollars or which the number declines with use in a known amount;

(x) Private communication service means a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels;

(y) Residential telecommunications service means a telecommunications service or ancillary services provided to an individual for personal use at a residential address, including an individual dwelling unit such as an apartment. In the case of institutions where individuals reside, such as schools or nursing homes, telecommunications service is considered residential if it is provided to and paid for by an individual resident rather than the institution;

(z) Service address means the location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid. If this location is not known, service address means the origination point of the signal of the telecommunications service first identified either by the seller's telecommunications system, or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller. If both locations are not known, the service address means the location of the customer's place of primary use;

(aa) Telecommunications service means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. Telecommunications service includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over Internet protocol services or is

classified by the Federal Communications Commission as enhanced or value-added. Telecommunications service does not include:

(i) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser when such purchaser's primary purpose for the underlying transaction is the processed data or information;

(ii) Installation or maintenance of wiring or equipment on a customer's premises;

(iii) Tangible personal property;

(iv) Advertising, including, but not limited to, directory advertising;

(v) Billing and collection services provided to third parties;

(vi) Internet access service;

(vii) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2007, and audio and video programming services delivered by providers of commercial mobile radio service as defined in 47 C.F.R. 20.3, as such regulation existed on January 1, 2007;

(viii) Ancillary services; or

(ix) Digital products delivered electronically, including, but not limited to, software, music, video, reading materials, or ringtones;

(bb) Value-added, nonvoice data service means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing;

(cc) Vertical service means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage

multiple calls and call connections, including conference bridging services; and

(dd) Voice mail service means an ancillary service that enables the customer to store, send, or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

**Sec. 6.** Section 86-124, Reissue Revised Statutes of Nebraska, is amended to read:

86-124 (1) The commission shall not regulate the following:

(a) One-way broadcast or cable television transmission of television or radio signals;

(b) Mobile radio services, radio paging services, and wireless telecommunications service;

(c) Interexchange services; and

(d) Internet-protocol-enabled service and voice over Internet protocol service, including rates, service or contract terms, conditions, or requirements for entry for such service.

(2) This section shall not affect or modify:

(a) The enforcement of criminal or civil laws, including, but not limited to, laws concerning consumer protection and unfair or deceptive trade practices which apply generally to the conduct of business;

(b)(i) Any entity's obligations or rights or commission authority under section 86-122 and under 47 U.S.C. 251 and 252, as such sections existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates, service quality standards, interconnection agreements, or other obligations for which the commission has jurisdiction under state or federal law;

(c) Any requirement to contribute to any fund administered by the commission authorized by the 911 Service System Act or the Nebraska Telecommunications Universal Service Fund Act;

(d) Any commission jurisdiction over intrastate switched access rates, terms, and conditions, including the resolution of disputes arising from, and



implementation of federal and state law with respect to, intercarrier compensation;

(e) The eligibility and requirements for the receipt of funds from the Nebraska Telecommunications Universal Service Fund and the rules, regulations, and orders under the Nebraska Telecommunications Universal Service Fund Act or the receipt of funds from the federal universal service fund, regardless of the unregulated status of the provider's service under this section;

(f) Any entity's rights and obligations with respect to (i) registration under section 86-125, (ii) the use of public streets, roads, highways, and rights-of-way, or (iii) a certificate of public convenience and necessity or a permit; and

(g) The commission's authority under section 50 of this act.

**Sec. 7.** Section 86-125, Reissue Revised Statutes of Nebraska, is amended to read:

86-125 Notwithstanding the provisions of section 86-124:

(1) Any communications provider providing service in Nebraska shall file a registration form with and pay a registration fee to the Public Service Commission. Any communications provider shall register with the commission prior to providing service. The commission shall prescribe the registration form to be filed pursuant to this section;

(2) A communications provider providing the services described in subdivision (7)(a) of this section shall provide the commission with the name, address, telephone number, and email address of a contact person concerning:

(a) The Nebraska Telecommunications Universal Service Fund Act and related surcharges, if applicable;

(b) The Telecommunications Relay System Act and related surcharges, if applicable;

(c) The 911 Service System Act and related surcharges, if applicable; and

(d) Consumer complaints and inquiries;

(3) A communications provider providing the services described in subdivision (7)(b) of this section shall provide the commission with the name,

address, telephone number, and email address of a person with managerial responsibility for Nebraska operations;

(4) A communications provider shall:

(a) Submit a registration fee at the time of submission of the registration form. The commission shall set the fee in an amount sufficient to cover the costs of administering the registration process but not to exceed fifty dollars;

(b) Keep the information required by this section current and notify the commission of any changes to such information within sixty days after the change; and

(c) Certify to the commission by January 1 each year that such communications provider does not use or provide any communications equipment or service deemed to pose a threat to national security identified on the Covered List developed pursuant to 47 C.F.R. 1.50002, as such regulation existed on January 1, 2023, and published by the Public Safety and Homeland Security Bureau of the Federal Communications Commission pursuant to the federal Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on January 1, 2023, and the rules adopted pursuant to such act by the Federal Communications Commission on November 11, 2022, in its Report and Order FCC 22-84;

(5) The commission may, pursuant to section 75-156, administratively fine any communications provider which violates this section;

(6) This section applies to all communications providers providing service in Nebraska except for those communications providers otherwise regulated under the Nebraska Telecommunications Regulation Act; and

(7) For purposes of this section, communications provider means any entity that:

(a) Uses telephone numbers or Internet protocol addresses or their functional equivalents or successors to provide information of a user's choosing by aid of wire, cable, wireless, satellite, or other like connection, whether part of a bundle of services or offered separately, (i) which provides

or enables real-time or interactive voice communications and (ii) in which the voice component is the primary function; or

(b) Provides any service, whether part of a bundle of services or offered separately, used for transmission of information of a user's choosing regardless of the transmission medium or technology employed, that connects to a network that permits the end user to engage in electronic communications, including, but not limited to, service provided directly (i) to the public or (ii) to such classes of users as to be effectively available directly to the public.

**Sec. 8.** Section 86-163, Reissue Revised Statutes of Nebraska, is amended to read:

86-163 The commission shall file with the Clerk of the Legislature an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report shall be submitted in electronic format. The report shall:

(1) Describe the quality of telecommunications service being provided to the citizens of Nebraska;

(2) Describe the availability of diverse and affordable telecommunications service to all of the people of Nebraska;

(3) Describe the level of telecommunications service rates;

(4) Describe the use and continued need for the Nebraska Telecommunications Universal Service Fund;

(5) Describe the availability and location of 911 service as required by section 62 of this act;

(6) Describe the availability and location of next-generation 911 service as required by section 55 of this act;

(7) Address the need for further legislation to achieve the purposes of the Nebraska Telecommunications Regulation Act; and

(8) Assess, based on information provided by public safety answering points, the level of next-generation 911 location accuracy compliance for wireless carriers.

**Sec. 9.** Section 86-313, Reissue Revised Statutes of Nebraska, is amended to read:

86-313 (1)(a) Each telephone company in Nebraska shall collect from each of the telephone subscribers a surcharge not to exceed twenty cents per month on each telephone number or functional equivalent in Nebraska, including wireless service as defined in section 41 of this act. Except for wireless service, the surcharge shall only be collected on the first one hundred telephone numbers or functional equivalents per subscriber. The companies shall add the surcharge to each subscriber's bill. The surcharge shall not be collected with respect to prepaid wireless telecommunications service as defined in the Prepaid Wireless Surcharge Act.

(b) The telephone companies are not liable for any surcharge not paid by a subscriber.

(2) Before April 1 of each year, the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the Telecommunications Relay System Act. After the hearing, the commission shall set the surcharge at the level necessary to fund the statewide telecommunications relay system and the specialized telecommunications equipment program for the following year plus a reasonable reserve. The surcharge shall become effective on July 1 following the change.

(3) In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

(4) Each telephone company shall remit the proceeds from the surcharge to the commission. The commission shall remit the funds to the State Treasurer for credit to the fund.

(5) The commission may require an audit of any company collecting the surcharge pursuant to the act.

(6) This section shall not apply to subscribers who have no access to relay service.

**Sec. 10.** Section 86-472, Reissue Revised Statutes of Nebraska, is amended

to read:

86-472 (1) The Legislature finds that:

(a) In 2020, Congress enacted the federal National Suicide Hotline Designation Act of 2020, Public Law 116-172. This federal act designated 988 as the universal three-digit telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating since 2005 through the National Suicide Prevention Lifeline;

(b) The three-digit 988 code became operational nationally in 2022, and is a more universal and easy-to-remember way to connect individuals experiencing mental health-related distress with mental health care professionals; and

(c) The 988 Suicide and Crisis Lifeline is a national effort, organized at the state level, and serves as an alternative to 911 in addressing the growing need for mental health-related crisis intervention in order to save lives.

(2) The Department of Health and Human Services shall:

(a) Oversee administration of the 988 Suicide and Crisis Lifeline in Nebraska, including contracting for services provided by trained counselors, call-center operators, and other service providers helping operate the 988 Suicide and Crisis Lifeline network in the state; and

(b) Coordinate and cooperate with the Public Service Commission to ensure that the 988 Suicide and Crisis Lifeline has the capability to connect individuals to the 911 service system and also receive communications from the 911 service system as provided under subdivision (6) of section 42 of this act.

**Sec. 11.** Section 86-802, Reissue Revised Statutes of Nebraska, is amended to read:

86-802 For purposes of the Kelsey Smith Act:

(1) Call location information means the best available location information, including, but not limited to, information obtained using historical cellular site information or a mobile locator tool;

(2) Law enforcement agency means a police department, a town marshal, the office of sheriff, and the Nebraska State Patrol;

(3) Wireless carrier has the same meaning as in section 40 of this act;

and

(4) Wireless communication device means any wireless electronic communication device that provides for voice or data communication between two or more parties, including a mobile or cellular telephone.

**Sec. 12.** Section 86-903, Reissue Revised Statutes of Nebraska, is amended to read:

86-903 (1) The Department of Revenue shall determine the prepaid wireless surcharge annually, effective January 1, based on the charges described in subsection (2) of this section as in effect on the preceding July 1. The department shall provide not less than ninety days' advance notice of any change in the prepaid wireless surcharge on the department's website.

(2) The rate of the prepaid wireless surcharge shall be the sum of the following three percentages, rounded up to the nearest tenth of one percent:

(a) The percentage obtained by dividing (i) the amount of the wireless surcharge authorized under subdivision (1)(b) of section 52 of this act by (ii) fifty;

(b) The percentage obtained by dividing (i) the amount of the Nebraska Telecommunications Relay System Fund surcharge set by the Public Service Commission pursuant to the Telecommunications Relay System Act by (ii) fifty; and

(c) The percentage obtained by multiplying (i) the Nebraska Telecommunications Universal Service Fund surcharge percentage rate set by the Public Service Commission by (ii) one minus the Federal Communications Commission safe harbor percentage for determining the interstate portion of a fixed monthly wireless charge.

(3) The Department of Revenue shall provide the Public Service Commission with prepaid wireless surcharge calculation and collection data upon request by the commission.

(4) Beginning January 1, 2013, each seller shall collect the prepaid wireless surcharge from the consumer with respect to each retail transaction occurring in this state. The seller shall disclose the amount of the prepaid

wireless surcharge either separately on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise. A retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of section 77-2703.

(5) The prepaid wireless surcharge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless surcharges that the seller collects from consumers as provided in section 86-904, including all such charges that the seller is deemed to collect when the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(6) The amount of the prepaid wireless surcharge that is collected by a seller from a consumer, whether or not such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

(7) For purposes of subsection (4) of this section, when prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized price, the seller shall elect to treat the price of the prepaid wireless telecommunications service (a) as such entire non-itemized price, (b) if the amount of prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, as such dollar amount, or (c) if the retailer can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes, as such portion. If the amount of prepaid wireless telecommunications service is

denominated as ten minutes or less or as five dollars or less, the seller may elect not to collect any prepaid wireless surcharge with respect to the retail transaction.

**Sec. 13.** Section 86-905, Reissue Revised Statutes of Nebraska, is amended to read:

86-905 The prepaid wireless surcharge shall be the only funding obligation imposed with respect to prepaid wireless telecommunications service for 911 service, telecommunications relay service, and universal service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for purposes of funding 911 service, telecommunications relay service, or universal service, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

**Sec. 14.** Section 86-1001, Reissue Revised Statutes of Nebraska, is amended to read:

Sections 14 to 68 of this act shall be known and may be cited as the 911 Service System Act.

**Sec. 15.** Section 86-1002, Reissue Revised Statutes of Nebraska, is amended to read:

The purpose of the 911 Service System Act is to establish the Public Service Commission as the statewide implementation and coordinating authority to plan, implement, coordinate, manage, maintain, and provide funding assistance for a 911 service system consistent and compatible with national public safety standards advanced by recognized standards and development organizations.

**Sec. 16.** Section 86-1003, Reissue Revised Statutes of Nebraska, is amended to read:

It is the intent of the Legislature that:

(1) The commission plan, implement, coordinate, manage, maintain, and provide funding assistance for a cost-efficient 911 service system;

(2) The commission provide for the coordination of 911 service on a



statewide basis;

(3) Local governing bodies be responsible for the dispatch and provision of emergency services;

(4) As part of the coordination of statewide 911 service, the commission secure stakeholder support and provide public education, training, standards enforcement, dispute resolution, and program evaluation for public safety answering points;

(5) The jurisdictions of the state, regional, and local governing bodies be clearly defined and aligned to produce the most efficient provision of 911 service, including next-generation 911 service capability;

(6) The commission adopt statewide uniform standards for technical support, training efficiency, and quality assurance for public safety answering points;

(7) The express authority granted to the commission to implement the 911 Service System Act not be deemed to supersede or otherwise modify section 86-124 or to provide the commission with any additional authority not provided by law existing on April 19, 2016, including, but not limited to, regulatory authority over originating service providers except as provided under section 50 of this act; and

(8) Except as specifically provided in the 911 Service System Act, nothing in the 911 Service System Act be deemed to supersede or modify any commission authority provided by law or any commission order, rule, or regulation existing on April 19, 2016.

**Sec. 17.** Section 86-1004, Reissue Revised Statutes of Nebraska, is amended to read:

For purposes of the 911 Service System Act, the definitions found in sections 18 to 41 of this act apply.

**Sec. 18.** Section 86-1006, Reissue Revised Statutes of Nebraska, is amended to read:

Commission means the Public Service Commission.

**Sec. 19.** Section 86-1006.01, Reissue Revised Statutes of Nebraska, is

amended to read:

Committee means the 911 Service System Advisory Committee.

**Sec. 20.** Section 86-1007, Reissue Revised Statutes of Nebraska, is amended to read:

Emergency services means the provision through a public safety agency of firefighting, law enforcement, ambulance, emergency, medical, or other public emergency services, as determined by a local governing body, to respond to and manage emergency incidents.

**Sec. 21.** Section 86-449.01, Reissue Revised Statutes of Nebraska, is amended to read:

Home service provider means a telecommunications company as defined in section 86-322 that has contracted with a customer to provide wireless service.

**Sec. 22.** Section 86-1011, Reissue Revised Statutes of Nebraska, is amended to read:

Internet protocol means the method by which data is sent from one computer to another on the Internet or other networks.

**Sec. 23.** Section 86-1012, Reissue Revised Statutes of Nebraska, is amended to read:

Internet protocol-enabled service means any service, capability, functionality, or application provided using Internet protocol, or any successor protocol, that enables a service user to send or receive a communication in Internet protocol format including, but not limited to, voice, data, or video.

**Sec. 24.** Section 86-1013, Reissue Revised Statutes of Nebraska, is amended to read:

Local governing body means a county board, city council of a city, board of trustees of a village, board of directors of any rural or suburban fire protection district, or any governing body of an entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act.

**Sec. 25.** Section 86-1014, Reissue Revised Statutes of Nebraska, is amended to read:

Network means (1) a legacy telecommunications network that supports 911 service or (2) a managed Internet protocol network that is used for 911 calls, that can be shared by all public safety answering points, and that provides the Internet protocol transport infrastructure upon which independent application platforms and core functional processes can be deployed, including, but not limited to, those necessary for providing next-generation 911 service capability. A network may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, national, and international levels.

**Sec. 26.** Section 86-1015, Reissue Revised Statutes of Nebraska, is amended to read:

Next-generation 911 means an Internet protocol-based system that:

- (1) Ensures interoperability;
- (2) Is secure;
- (3) Employs commonly accepted standards;
- (4) Enables emergency communications centers to receive, process, and analyze all types of 911 requests for emergency services;
- (5) Acquires and integrates additional information useful to handling 911 requests for emergency services; and
- (6) Supports sharing information related to 911 requests for emergency services among public safety answering points and emergency service providers.

**Sec. 27.** Section 86-1017, Reissue Revised Statutes of Nebraska, is amended to read:

911 call means any form of communication requesting any type of emergency services by contacting a public safety answering point, including voice or nonvoice communications as well as transmission of any analog or digital data. 911 call includes a voice call, video call, text message, or data-only call.

**Sec. 28.** Section 86-1018, Reissue Revised Statutes of Nebraska, is amended to read:

911 service means the service a public safety answering point uses to receive and process 911 calls over a 911 service system.

**Sec. 29.** Section 86-429, Reissue Revised Statutes of Nebraska, is amended to read:

911 service area means (1) the portion of a local governing body's jurisdiction in which 911 service is provided and (2) 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 local governing body notifies the contracting local governing body in writing of its intention to opt out of the 911 service area.

**Sec. 30.** Section 86-1019, Reissue Revised Statutes of Nebraska, is amended to read:

911 service system means a coordinated system of technologies, software applications, databases, customer-premise equipment components, and operations and management procedures used to provide 911 service through the operation of an efficient and effective network for accepting, processing, and delivering 911 calls to a public safety answering point, including, but not limited to, 911 service, next-generation 911 service, and any emerging technologies, networks, and systems that allow access to 911 service.

**Sec. 31.** Section 86-1020, Reissue Revised Statutes of Nebraska, is amended to read:

Except as provided in section 50 of this act, originating service provider means an entity that provides the capability for customers to originate 911 calls to public safety answering points.

**Sec. 32.** Section 86-429.01, Reissue Revised Statutes of Nebraska, is amended to read:

Primary place of use means the residential or business street address that is representative of the primary location of the customer's use of a service that includes the provision of 911 service.

**Sec. 33.** Section 86-1021, Reissue Revised Statutes of Nebraska, is amended to read:

Public safety agency means an agency which provides emergency services.

**Sec. 34.** Section 86-1022, Reissue Revised Statutes of Nebraska, is amended

to read:

Public safety answering point means a local governmental entity responsible for receiving 911 calls and processing those calls according to a specific operational policy.

**Sec. 35.** Section 86-432, Reissue Revised Statutes of Nebraska, is amended to read:

Service supplier means any person providing 911 service in this state.

**Sec. 36.** Section 86-433, Reissue Revised Statutes of Nebraska, is amended to read:

Service surcharge means a charge set by a local governing body and assessed on each telephone number or functional equivalent of service users whose primary place of use is within the local governing body's designated 911 service area, with the exception of those service users served by wireless carriers.

**Sec. 37.** Section 86-1023, Reissue Revised Statutes of Nebraska, is amended to read:

Service user means any person who initiates a 911 call to receive emergency services.

**Sec. 38.** Section 86-1024, Reissue Revised Statutes of Nebraska, is amended to read:

Stakeholder means a public safety answering point, a public safety agency, and any person, organization, agency of government, originating service provider, or other organization that has a vital interest in the 911 service system.

**Sec. 39.** Section 86-1024.01, Reissue Revised Statutes of Nebraska, is amended to read:

Telecommunications relay services has the same meaning as in 47 C.F.R. 9.3, as such regulation existed on January 1, 2024.

**Sec. 40.** Section 86-456, Reissue Revised Statutes of Nebraska, is amended to read:

Wireless carrier means (1) any carrier of mobile service as referenced in

47 U.S.C. 153(33), as such section existed on January 1, 2025, (2) any carrier of commercial mobile service as referenced in 47 U.S.C. 332(d)(1), as such section existed on January 1, 2025, (3) any carrier of commercial mobile radio service as referenced in 47 C.F.R. 20.3, as such regulation existed on January 1, 2025, (4) any cellular radiotelephone service as referenced in subpart H of 47 C.F.R. 22, as such regulation existed on January 1, 2025, (5) any licensees of a personal communications service as referenced in 47 C.F.R. 24, as such regulation existed on January 1, 2025, or (6) any specialized mobile radio services as referenced in subpart S of 47 C.F.R. 90, as such regulation existed on January 1, 2025.

**Sec. 41.** Section 86-456.01, Reissue Revised Statutes of Nebraska, is amended to read:

Wireless service means: (1) Any mobile service as defined in 47 U.S.C. 153 and 47 C.F.R. 27.4, as such section and regulation existed on January 1, 2025; (2) any commercial mobile service as defined in 47 U.S.C. 332(d), as such section existed on January 1, 2025; or (3) any commercial mobile radio service as referenced in 47 C.F.R. 20.3, as such regulation existed on January 1, 2025.

**Sec. 42.** Section 86-1025, Reissue Revised Statutes of Nebraska, is amended to read:

The commission shall:

(1) Serve as the statewide coordinating authority for the implementation of the 911 service system;

(2) Be responsible for statewide planning, implementation, coordination, funding assistance, deployment, regulation, and management and maintenance of the 911 service system to ensure that coordinated 911 service is provided to all residents of the state at a consistent level of service in a cost-effective manner;

(3) Be responsible for establishing mandatory and uniform technical and training standards applicable to public safety answering points and adopting and promulgating rules and regulations applicable to public safety answering points for quality assurance standards;

(4) Appoint the members of the committee and act on the committee's recommendations as provided in section 43 of this act;

(5)(a) Determine how to allocate the 911 Service System Fund in order to facilitate the planning, implementation, coordination, operation, management, and maintenance of the 911 service system;

(b) Create a mechanism for determining the level of funding available to or for the benefit of local governing bodies, public safety answering points, and third-party service or infrastructure providers for costs determined to be eligible by the commission under subdivision (5)(c) of this section; and

(c) Establish standards and criteria concerning disbursements from the 911 Service System Fund for the planning, implementation, coordination, operation, management, and maintenance of the 911 service system. In establishing such standards and criteria, the following may be eligible for funding:

(i) Costs incurred by or on behalf of local governing bodies or public safety answering points to provide 911 service, including, but not limited to, (A) acquisition of new equipment and related maintenance costs and license fees, (B) upgrades and modifications, (C) delivering next-generation 911 core services, and (D) training personnel used to provide 911 services; and

(ii) Costs incurred by or on behalf of local governing bodies or public safety answering points for the acquisition, installation, maintenance, and operation of telecommunications equipment and telecommunications service required for the provision of 911 service; and

(6) Adopt statewide uniform standards for technical enhancement, support, training, and quality assurance that will allow the 911 service system to communicate, coordinate, and engage with the 988 Suicide and Crisis Lifeline. Such standards shall provide that service users calling the 911 service system can be connected to the 988 Suicide and Crisis Lifeline, and individuals calling the 988 Suicide and Crisis Lifeline can be connected to the 911 service system, when deemed appropriate by the call-center operators. The purpose of such dual capability is to facilitate the provision of appropriate emergency services, including instances requiring counseling services for an individual

in psychological distress. The standards shall be completed so that the dual capability to connect individuals between both the 988 Suicide and Crisis Lifeline and the 911 service system is operational no later than January 1, 2025.

**Sec. 43.** Section 86-1025.01, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The 911 Service System Advisory Committee is created. The committee shall advise the commission concerning the implementation, coordination, operation, management, maintenance, and funding of the 911 service system and provide input on technical training and quality assurance. The state 911 director and the Chief Information Officer or his or her designee shall serve as ex officio members. The committee shall include the following individuals appointed by the commission:

(a) Four representatives of public safety agencies within the state, including an emergency manager, a member of a law enforcement agency, a member of a fire department, and a member of an emergency medical service as defined in section 38-1207;

(b) Two county officials or employees;

(c) Two municipal officials or employees;

(d) Two representatives of the telecommunications industry;

(e) Two managers of public safety answering points, one of whom is employed by a county sheriff and one of whom is not employed by a county sheriff;

(f) One representative of the Nebraska Association of County Officials;  
and

(g) One representative of the League of Nebraska Municipalities.

(2) Of the fourteen appointed members of the committee described in subdivisions (1)(a) through (g) of this section, at least two members shall be appointed from each of the three congressional districts. Beginning in 2025, the terms of the current members shall expire in staggered three-year terms such that no more than one-third of the committee membership will expire at any



one time as determined by the commission. The appointed members of the committee shall serve for terms of three years. A vacancy shall be filled for the remainder of the unexpired term. The committee shall annually select a chairperson and vice-chairperson and meet as often as necessary to carry out its duties. Members of the committee shall be reimbursed for expenses as provided in sections 81-1174 to 81-1177.

(3) The committee shall make any recommendations to the commission regarding the exercise of the commission's duties administering the 911 service system pursuant to section 42 of this act, including recommending the adoption and promulgation of any rules and regulations necessary to carry out the purposes of the 911 Service System Act, and may advise on the introduction of any legislation. The commission may consider and implement any such recommendations.

**Sec. 44.** Section 86-1026, Reissue Revised Statutes of Nebraska, is amended to read:

The commission shall appoint a state 911 director to manage the department established within the commission for the 911 service system. The commission shall ensure that the department has all necessary staffing and resources. The commission may retain contracted experts or consultants who may be required for the administration of the 911 Service System Act.

**Sec. 45.** Section 86-1028, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The 911 Service System Fund is created. The fund shall consist of surcharges collected pursuant to section 86-904 and section 52 of this act, any federal funds received for implementation and development of 911 service, and any other money designated for credit to the 911 Service System Fund. The fund shall be used for the costs of administering the fund and for the purposes specified in the 911 Service System Act. The costs of administering the 911 Service System Fund shall be kept to a minimum.

(2) The fund shall not be subject to any fiscal-year limitation or lapse provision of unexpended balance at the end of any fiscal year or biennium. Any

money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) Money in the 911 Service System Fund may be used to pay for costs incurred by or on behalf of local governing bodies or public safety answering points to provide 911 service that are determined by the commission to be eligible for funding. The commission is not required to provide funding from the 911 Service System Fund to more than one public safety answering point in any county. Each entity that receives disbursements from the fund under this subsection shall make a full accounting of the money in a manner and form prescribed by the commission.

**Sec. 46.** Section 86-1029, Reissue Revised Statutes of Nebraska, is amended to read:

The express authority granted to the commission to implement the 911 Service System Act shall not be deemed to supersede or otherwise modify section 86-124 or to provide the commission with any additional authority not provided by law existing on April 19, 2016, including, but not limited to, regulatory authority over originating service providers except as provided under section 50 of this act.

**Sec. 47.** Section 86-1029.01, Reissue Revised Statutes of Nebraska, is amended to read:

The commission may apply for any federal or other funds available for next-generation 911 service and may distribute such federal funds consistent with federal law and other funds consistent with the directives, purposes, or conditions of such other funds. Except for intentional acts, the commission shall be immune from liability or the payment of damages in applying for any such federal funds. The state 911 director shall be the designated single point of contact for any federal 911 grant program.

**Sec. 48.** Section 86-1029.02, Reissue Revised Statutes of Nebraska, is amended to read:

Any person involved in the provision of next-generation 911 service who:

(1) Receives, develops, collects, or processes information for any 911 database; (2) provides local exchange, interexchange, or transport service in connection with any next-generation 911 service; (3) relays, transfers, operates, maintains, or provides next-generation 911 service or systems capabilities, including interoperable connections between the 911 service system and the 988 Suicide and Crisis Lifeline; or (4) provides next-generation 911 communications service for emergency service providers shall, except for failure to use reasonable care or for intentional acts, be immune from liability or the payment of damages in the performance of installing, maintaining, or providing next-generation 911 service.

**Sec. 49.** Section 86-1029.03, Reissue Revised Statutes of Nebraska, is amended to read:

The commission shall adopt and promulgate rules and regulations necessary to carry out the 911 Service System Act.

**Sec. 50.** Section 86-1029.04, Reissue Revised Statutes of Nebraska, is amended to read:

(1) For purposes of this section, originating service provider means the telecommunications service provider, whether by wireline or wireless service, or the voice over Internet protocol service provider providing the capability for customers to originate 911 calls.

(2)(a) Except as provided in subdivision (2)(c) of this section, or unless otherwise required by the Federal Communications Commission, no later than January 1, 2026, an originating service provider and the next-generation 911 service contractor shall cause:

(i) All 911 calls to be transmitted to the next-generation 911 network that allows 911 calls to be answered; and

(ii) All translation and routing to be completed to deliver all 911 calls, including associated location information in the requested Internet protocol-enabled service format, to the next-generation 911 network that allows 911 calls to be answered.

(b) No later than ten months prior to the date set forth in subdivision

(2)(a) of this section, an originating service provider and the next-generation 911 service contractor shall enter into an agreement to cause the requirements of such subdivision to be met. If the originating service provider and the next-generation 911 service contractor have not entered into an agreement by such date, the originating service provider and the next-generation 911 service contractor shall notify the Public Service Commission to seek resolution of any unresolved issues in accordance with the commission's policies relating to interconnection arbitration and mediation.

(c) An originating service provider may enter into an agreement with the commission to establish an alternative timeframe for meeting the requirements of subdivision (2)(a) of this section. The originating service provider shall notify the commission of the dates and terms of the alternative timeframe within thirty days after entering into such agreement.

(3)(a) Except as provided in subdivision (3)(c) of this section, or unless otherwise required by the Federal Communications Commission, no later than January 1, 2026, a provider of telecommunications relay services and the next-generation 911 service contractor shall cause:

(i) All 911 calls to be transmitted to the next-generation 911 network that allows 911 calls to be answered; and

(ii) All translation and routing to be completed to deliver all 911 calls, including associated location information if received from the originating service provider in the requested Internet protocol-enabled service format, to the next-generation 911 network that allows 911 calls to be answered.

(b) No later than ten months prior to the date set forth in subdivision (3)(a) of this section, a provider of telecommunications relay services and the next-generation 911 service contractor shall enter into an agreement to cause the requirements of such subdivision to be met. If the provider of telecommunications relay services and the next-generation 911 service contractor have not entered into an agreement by such date, the provider of telecommunications relay services and the next-generation 911 service contractor shall notify the Public Service Commission to seek resolution of any

unresolved issues in accordance with the commission's policies relating to interconnection arbitration and mediation.

(c) A provider of telecommunications relay services may enter into an agreement with the commission to establish an alternative timeframe for meeting the requirements of subdivision (3)(a) of this section. The telecommunications relay provider shall notify the commission of the dates and terms of the alternative timeframe within thirty days after entering into such agreement.

(4) No later than November 15, 2024, and no later than November 15 of each year thereafter, the next-generation 911 service contractor shall submit an annual report electronically to the Transportation and Telecommunications Committee of the Legislature and to the commission on the capabilities and redundancies of the next-generation 911 service network.

(5) Nothing in this section shall be construed to modify or change any requirement for an originating service provider to file a report with state and federal entities, including with public safety answering points and local governing bodies, in accordance with applicable local, state, or federal regulations and policies, regarding any impediment to transmitting and delivering 911 calls to the next-generation 911 network.

**Sec. 51.** Section 86-1031, Reissue Revised Statutes of Nebraska, is amended to read:

(1) For purposes of this section:

(a) Communications service provider means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, but does not include a wireless provider; and

(b) Outage has the same meaning as described in 47 C.F.R. 4.5(e).

(2) A communications service provider that is required to file reports with the Federal Communications Commission regarding a 911 service outage pursuant to 47 C.F.R. 4.9(h) shall also file copies of such reports with the Public Service Commission. The reports filed with the Public Service Commission shall follow the same timelines and provide the same information as outlined in

47 C.F.R. 4.9 and 4.11. Reports filed pursuant to this section shall be deemed confidential and shall not be subject to public disclosure pursuant to sections 84-712 to 84-712.09.

(3)(a) The Public Service Commission shall hold a public hearing no later than ninety days after receipt of the first report filed by a communications service provider pursuant to subsection (2) of this section. The commission may delay the hearing for good cause shown, but such delay shall be extended no longer than thirty days. The commission may hold subsequent hearings as it deems necessary.

(b) This subsection shall not apply if:

(i) The communications service provider has, in good faith, withdrawn the first report filed pursuant to subsection (2) of this section; or

(ii) The Public Service Commission has waived the requirements of this subsection by a majority vote of the commission.

(4) The Public Service Commission may adopt and promulgate rules and regulations to carry out this section.

(5) This section shall only apply to 911 service outages in Nebraska.

(6) Nothing in this section shall be construed to authorize the Public Service Commission to regulate any activities prohibited by section 86-124.

**Sec. 52.** Section 86-457, Reissue Revised Statutes of Nebraska, is amended to read:

(1) Each wireless carrier shall collect:

(a) A surcharge of up to seventy cents, except as provided in subdivision (1)(b) of this subsection, on all active telephone numbers or functional equivalents every month from users of wireless service and shall remit the surcharge in accordance with section 54 of this act; or

(b) A surcharge of up to fifty cents on all active telephone numbers or functional equivalents every month from users of wireless service whose primary place of use is in a county containing a city of the metropolitan class and shall remit the surcharge in accordance with section 54 of this act.

The wireless carrier is not liable for any surcharge not paid by a

customer and is not required to collect the wireless surcharge for any customers receiving services under the Nebraska Telephone Assistance Program who do not receive a monthly charge for service through a billing statement.

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

(3) If a wireless carrier, except as otherwise provided in this section, resells its service through other entities, each reseller shall collect the surcharge from its customers and shall remit the surcharge in accordance with section 54 of this act.

(4) The surcharges authorized by this section shall not apply to prepaid wireless telecommunications service as defined in section 86-902.

**Sec. 53.** Section 86-458, Reissue Revised Statutes of Nebraska, is amended to read:

The commission shall hold a public hearing annually to determine the amount of revenue necessary to carry out the 911 Service System Act. After the hearing, the commission shall determine the amount of money to be deposited in the 911 Service System Fund for the following year and shall set the surcharge subject to the limitation in section 52 of this act.

**Sec. 54.** Section 86-459, Reissue Revised Statutes of Nebraska, is amended to read:

(1) Each wireless carrier shall remit monthly to the commission the amounts collected pursuant to section 52 of this act together with any forms required by the commission no later than sixty days after the last day of the month. The commission shall remit the funds to the State Treasurer for credit to the 911 Service System Fund.

(2) As the commission may require, each wireless carrier shall report to the commission on a quarterly basis for each county in a manner prescribed by the commission the following information: (a) The number of telephone numbers

or functional equivalents served; (b) the number of telephone numbers or functional equivalents from which it has collected surcharge revenue; (c) the number of wireless towers by county; and (d) the current implementation status of wireless 911 service in each county served by that wireless carrier.

(3) The wireless carrier shall maintain all records required by this section, records of the amounts collected pursuant to section 52 of this act, and remittance records for a period of five years after the date of remittance to the fund. The commission may require an audit of any wireless carrier's books and records concerning the collection and remittance of any amounts collected pursuant to the 911 Service System Act. The costs of any audit required by the commission shall, at the commission's discretion, be paid by the audited wireless carrier. A wireless carrier shall not be required to pay for more than one remittance audit or more than one collection audit per year, unless the commission orders subsequent audits for good cause.

(4) Each wireless carrier shall comply with all commission rules and regulations regarding wireless 911 service.

(5) Each wireless carrier shall comply with this section regardless of whether the wireless carrier receives reimbursement from the fund. Wireless carriers failing to comply with this section may be administratively fined by the commission pursuant to section 75-156.

**Sec. 55.** Section 86-460, Reissue Revised Statutes of Nebraska, is amended to read:

(1) Each public safety answering point shall report to the commission annually (a) the name and location of the public safety answering point and (b) whether next-generation 911 service is provided at that public safety answering point.

(2) The commission shall compile and place the information required in this section into its annual telecommunications report to the Legislature.

**Sec. 56.** Section 86-466, Reissue Revised Statutes of Nebraska, is amended to read:

(1) A public safety answering point may be compensated for costs



determined by the commission to be eligible for funding. The level of funding available to each public safety answering point for eligible cost compensation may be limited by the commission. The commission is not required to provide compensation for costs to more than one public safety answering point in any county. A public safety answering point may apply for disbursement from the 911 Service System Fund by submitting a written application to the commission. The commission shall receive and review applications, including supporting documentation. The commission shall notify each applicant as to the commission's approval or disapproval of the application.

(2) Each entity that receives disbursements from the 911 Service System Fund shall make a full accounting of the money in a manner and form prescribed by the commission.

**Sec. 57.** Section 86-467, Reissue Revised Statutes of Nebraska, is amended to read:

Information provided by wireless carriers to the commission pursuant to the 911 Service System Act may be treated as records which may be withheld from the public upon request of the party submitting such records if the information qualifies under subdivision (3) of section 84-712.05.

**Sec. 58.** Section 86-468, Reissue Revised Statutes of Nebraska, is amended to read:

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

**Sec. 59.** Section 86-470, Reissue Revised Statutes of Nebraska, is amended to read:

The commission may assess a civil penalty pursuant to section 75-156 for each violation of any provision of the 911 Service System Act or any rule,

regulation, or order of the commission issued under authority delegated to the commission pursuant to the act.

**Sec. 60.** Section 86-435, Reissue Revised Statutes of Nebraska, is amended to read:

(1) A local 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 local governing body incurring costs for 911 service may impose a uniform service surcharge of up to fifty cents per month on each telephone number or functional equivalent of service users whose primary place of use is within the local governing body's 911 service area, except for those service users served by wireless carriers. 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) Except in a county containing a city of the metropolitan class, such uniform service surcharge in subsection (1) of this section may be increased by an additional amount not to exceed fifty cents per month. Such additional increase shall be made only after:

(a) Publication of notices for a public hearing. Such notices shall:

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

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

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

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

(3) 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 local governing bodies, the agreement for such service shall be entered into by each such local governing body unless any such local governing body expressly excludes itself from the agreement. Such an agreement shall provide that each local 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 local 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.

(4) If a local 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 agreement as provided in the Interlocal Cooperation Act or the Joint Public Agency Act. The agreement shall provide for the assessment of a uniform service surcharge within a local governing body's 911 service area. The service surcharge on each telephone number or functional equivalent of service users whose primary place of use is within the local governing body's 911 service area, except for those service users served by wireless carriers, shall be the same as the amount allowed in subsections (1) and (2) of this section.

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

**Sec. 61.** Section 86-436, Reissue Revised Statutes of Nebraska, is amended to read:

(1) A service user shall pay service surcharges in each 911 service area where the service user has its primary place of use and receives 911 service, except that an individual service user shall not be required to pay on a single periodic billing service surcharges on more than one hundred telephone numbers or functional equivalents in any single 911 service area. Every service user shall be liable for any service surcharge billed to such user until the surcharge has been paid to the service supplier.

(2) The duty of a service supplier to bill a service surcharge to a service user shall commence at such time as may be specified by the local governing body. A service surcharge shall be collected as far as practicable at the same time as and along with the charges for service in accordance with the

regular billing practice of the service supplier.

(3) A service supplier shall have no obligation to take any legal action to enforce the collection of any service surcharge imposed pursuant to section 60 of this act. Such action may be brought by or on behalf of the local governing body imposing the charge or the separate legal entity formed pursuant to such section. A service supplier shall annually provide the local governing body a list of the amounts uncollected along with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be for nonpayment of any service surcharge. The service supplier shall not be liable for such uncollected amounts.

**Sec. 62.** Section 86-437, Reissue Revised Statutes of Nebraska, is amended to read:

(1) The amount of service surcharges collected in one calendar quarter by a service supplier shall be remitted to the local governing body no later than sixty days after the close of that calendar quarter. At the time of the remittance, the service supplier shall file a return for the remittance with the local governing body in such form as the local governing body and the service supplier agree upon. The service supplier shall maintain a record of the amount of service surcharges collected. The record shall be maintained for a period of one year after the date the amount was billed. A local governing body may at its own expense require an annual audit of a service supplier's books and records concerning the collection and remittance of a service surcharge.

(2) On or before April 30 of each year, each service supplier shall report for the preceding calendar year to the commission for each of its exchanges (a) whether 911 service is provided in that exchange, (b) the level of the service surcharge, (c) to which local governing body the service surcharge is being submitted, and (d) the amount of revenue collected by the service surcharge.

(3) The commission shall compile and place the information from such reports required in subsection (2) of this section into its annual telecommunications report to the Legislature, including the availability and

location of 911 service in the State of Nebraska.

(4) The commission shall adopt and promulgate rules and regulations necessary to carry out subsections (2) and (3) of this section.

(5) The commission may administratively fine pursuant to section 75-156 any person who violates the 911 Service System Act.

**Sec. 63.** Section 86-438, Reissue Revised Statutes of Nebraska, is amended to read:

Each calendar year, the local governing body shall establish the rate of the service surcharge, not to exceed the amount authorized by section 60 of this act, that together with any surplus revenue carried forward will produce sufficient revenue to fund the expenditures necessary to develop, install, and operate 911 emergency telephone communications systems throughout the state. Amounts collected in excess of such necessary expenditures within a given year shall be carried forward to the next year. A local governing body shall make its determination of the rate no later than September 1 of each year and, if it is a new rate, shall fix the new rate to take effect commencing with the first billing period of each service user on or following the next January 1. The local governing body shall notify by certified or registered mail every service supplier of any change in the rate at least ninety days before the new rate becomes effective.

**Sec. 64.** Section 86-439, Reissue Revised Statutes of Nebraska, is amended to read:

Funds collected by a local governing body from the imposition of a service surcharge shall be credited to a separate fund apart from the general revenue of the local governing body and shall be used solely to pay for costs for 911 service. Any money remaining in the fund at the end of any fiscal year shall remain in the fund for payments during any succeeding year, except that if 911 service is discontinued, money remaining in the fund after payment of all costs related to 911 service have been made shall be transferred to the general fund of the public safety agency or proportionately to the general fund of each participating public safety agency.

**Sec. 65.** Section 86-440, Reissue Revised Statutes of Nebraska, is amended to read:

Any local governing body authorized to impose a service surcharge may enter into an agreement directly with a service supplier of 911 service or may contract and cooperate with any public safety agency, with other states or their political subdivisions, or with any association or corporation for the administration of 911 service as provided by law.

**Sec. 66.** Section 86-440.01, Reissue Revised Statutes of Nebraska, is amended to read:

Each county shall implement next-generation 911 service by July 1, 2026.

**Sec. 67.** Section 86-441, Reissue Revised Statutes of Nebraska, is amended to read:

The 911 service described in the 911 Service System Act is within the governmental powers and authorities of a local governing body or public safety agency. In contracting for such 911 service and in providing such 911 service, except for failure to use reasonable care or for intentional acts, each local governing body, public safety agency, and service supplier and their employees and agents shall be immune from liability or the payment for any damages in the performance of installing, maintaining, or providing 911 service.

**Sec. 68.** Section 86-441.01, Reissue Revised Statutes of Nebraska, is amended to read:

The commission may apply for or assist any political subdivision in applying for any federal or other funds available for 911 service and may distribute federal funds consistent with federal law and other funds consistent with the directives, purposes, or conditions of such other funds. Except for intentional acts, the commission shall be immune from liability or the payment of damages in assisting any political subdivision in applying for any such federal funds.

**Sec. 69.** Original sections 75-132.01, 86-124, 86-125, 86-163, 86-313, 86-429, 86-429.01, 86-432, 86-433, 86-435, 86-436, 86-437, 86-438, 86-439, 86-440, 86-440.01, 86-441, 86-441.01, 86-449.01, 86-456, 86-456.01, 86-457,

86-458, 86-459, 86-460, 86-466, 86-467, 86-468, 86-470, 86-472, 86-802, 86-903, 86-905, 86-1001, 86-1002, 86-1003, 86-1004, 86-1006, 86-1006.01, 86-1007, 86-1011, 86-1012, 86-1013, 86-1014, 86-1015, 86-1017, 86-1018, 86-1019, 86-1020, 86-1021, 86-1022, 86-1023, 86-1024, 86-1024.01, 86-1025, 86-1025.01, 86-1026, 86-1028, 86-1029, 86-1029.01, 86-1029.02, 86-1029.03, 86-1029.04, and 86-1031, Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-126, 75-156, and 77-2703.04, Revised Statutes Cumulative Supplement, 2024, are repealed.

**Sec. 70.** The following sections are outright repealed: Sections 86-420, 86-421, 86-422, 86-423, 86-424, 86-425, 86-426, 86-428, 86-430, 86-431, 86-434, 86-442, 86-443, 86-444, 86-445, 86-446, 86-447, 86-448, 86-449, 86-450, 86-450.01, 86-450.03, 86-451, 86-452, 86-453, 86-454, 86-455, 86-461, 86-462, 86-464, 86-465, 86-466.01, 86-469, 86-1005, 86-1008, 86-1009, 86-1010, 86-1016, and 86-1027, Reissue Revised Statutes of Nebraska.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 362 was passed by the One Hundred Ninth  
Legislature of Nebraska at its First Session on the ..... day  
of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**