

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 362

Introduced by DeBoer, 10; Fredrickson, 20.

Read first time January 16, 2025

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to 911 services; to amend sections 75-132.01,
2 86-124, 86-125, 86-163, 86-313, 86-429, 86-429.01, 86-432, 86-433,
3 86-435, 86-436, 86-437, 86-438, 86-439, 86-440, 86-440.01, 86-441,
4 86-441.01, 86-449.01, 86-456, 86-456.01, 86-457, 86-458, 86-459,
5 86-460, 86-466, 86-467, 86-468, 86-470, 86-472, 86-802, 86-903,
6 86-905, 86-1001, 86-1002, 86-1003, 86-1004, 86-1006, 86-1006.01,
7 86-1007, 86-1011, 86-1012, 86-1013, 86-1014, 86-1015, 86-1017,
8 86-1018, 86-1019, 86-1020, 86-1021, 86-1022, 86-1023, 86-1024,
9 86-1024.01, 86-1025, 86-1025.01, 86-1026, 86-1028, 86-1029,
10 86-1029.01, 86-1029.02, 86-1029.03, 86-1029.04, and 86-1031, Reissue
11 Revised Statutes of Nebraska, and sections 75-109.01, 75-126,
12 75-156, and 77-2703.04, Revised Statutes Cumulative Supplement,
13 2024; to define, redefine, and eliminate terms; to eliminate
14 provisions of and rename the Emergency Telephone Communications
15 Systems Act and the Enhanced Wireless 911 Services Act and to change
16 provisions of the 911 Service System Act; to change provisions
17 relating to powers and duties of the Public Service Commission, the
18 911 Service System Advisory Committee, the 911 Service System Fund,
19 911 service surcharges, duties and compensation of wireless
20 carriers, public safety answering points, and county implementation
21 of next-generation 911 service; to eliminate the Enhanced Wireless
22 911 Advisory Board; to harmonize provisions; to repeal the original
23 sections; and to outright repeal sections 86-420, 86-421, 86-422,

1 86-423, 86-424, 86-425, 86-426, 86-428, 86-430, 86-431, 86-434,
2 86-442, 86-443, 86-444, 86-445, 86-446, 86-447, 86-448, 86-449,
3 86-450, 86-450.01, 86-450.03, 86-451, 86-452, 86-453, 86-454,
4 86-455, 86-461, 86-462, 86-464, 86-465, 86-466.01, 86-469, 86-1005,
5 86-1008, 86-1009, 86-1010, 86-1016, and 86-1027, Reissue Revised
6 Statutes of Nebraska.

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

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

3 75-109.01 Except as otherwise specifically provided by law, the
4 Public Service Commission shall have jurisdiction, as prescribed, over
5 the following subjects:

6 (1) Common carriers, generally, pursuant to sections 75-101 to
7 75-158;

8 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
9 Act and sections 89-1,104 to 89-1,108;

10 (3) Manufactured homes and recreational vehicles pursuant to the
11 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

12 (4) Modular housing units pursuant to the Nebraska Uniform Standards
13 for Modular Housing Units Act;

14 (5) Motor carrier registration, licensure, and safety pursuant to
15 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

16 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
17 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
18 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
19 the provisions of the Major Oil Pipeline Siting Act, the provisions of
20 the Major Oil Pipeline Siting Act control;

21 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
22 74-1323, and 75-401 to 75-430;

23 (8) Telecommunications carriers pursuant to the Automatic Dialing-
24 Announcing Devices Act, ~~the Emergency Telephone Communications Systems~~
25 ~~Act, the Enhanced Wireless 911 Services Act,~~ the 911 Service System Act,
26 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
27 Telecommunications Regulation Act, the Nebraska Telecommunications
28 Universal Service Fund Act, the Telecommunications Relay System Act, the
29 Telephone Consumer Slamming Prevention Act, sections 86-574 to 86-578,
30 ~~86-1031,~~ 86-1307, and 86-1308, and section 51 of this act;

31 (9) Transmission lines and rights-of-way pursuant to sections 70-301

1 and 75-702 to 75-724;

2 (10) Water service pursuant to the Water Service Regulation Act; and

3 (11) Jurisdictional utilities governed by the State Natural Gas
4 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
5 provisions of the State Natural Gas Regulation Act, the provisions of the
6 State Natural Gas Regulation Act control.

7 **Sec. 2.** Section 75-126, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 75-126 (1) Except as otherwise provided in this section, no common
10 carrier shall:

11 (a) Charge, demand, collect, or receive from any person a greater or
12 lesser compensation for any services rendered than it charges, demands,
13 collects, or receives from any other person for doing a like or
14 contemporaneous service ~~unless required under section 86-465;~~

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

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

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

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

29 (f) Change any rate, schedule, or classification in any manner
30 whatsoever before application has been made to the commission and
31 permission granted for that purpose, except as otherwise provided in

1 section 86-155.

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

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

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

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

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

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

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

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

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

17 75-132.01 (1) Notwithstanding the provisions of section 75-131, the
18 commission shall have exclusive original jurisdiction over any action
19 concerning a violation of any provision of (a) the Automatic Dialing-
20 Announcing Devices Act, ~~the Emergency Telephone Communications Systems~~
21 ~~Act, the Enhanced Wireless 911 Services Act,~~ the Intrastate Pay-Per-Call
22 Regulation Act, the Nebraska Telecommunications Regulation Act, the
23 Nebraska Telecommunications Universal Service Fund Act, the
24 Telecommunications Relay System Act, ~~or~~ the Telephone Consumer Slamming
25 Prevention Act, or the 911 Service System Act by any person providing
26 telecommunications service for a fee in Nebraska intrastate commerce
27 pursuant to such acts or (b) sections 86-574 to 86-578 by an agency or
28 political subdivision of the state.

29 (2) If the commission enters an order declining jurisdiction under
30 subsection (1) of this section, any interested person may petition the
31 district court of the county in which such alleged violation has

1 occurred. If it appears to the court, after a hearing, that a provision
2 of such acts or sections has been violated, the court may issue an
3 injunction or other proper process to restrain the telecommunications
4 company and its directors, officers, employees, or agents or the agency
5 or political subdivision of the state from continuing such violation and
6 may order additional relief. Any party to the case shall have the right
7 to appeal the decision of the district court to the Court of Appeals
8 under the rules provided by law for appeals in civil cases.

9 **Sec. 4.** Section 75-156, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 75-156 (1) In addition to other penalties and relief provided by
12 law, the Public Service Commission may, upon a finding that the violation
13 is proven by clear and convincing evidence, assess a civil penalty of up
14 to ten thousand dollars per day against any person, motor carrier,
15 regulated motor carrier, common carrier, contract carrier, licensee,
16 grain dealer, or grain warehouse operator for each violation of (a) any
17 provision of the laws of this state within the jurisdiction of the
18 commission as enumerated in section 75-109.01, (b) any term, condition,
19 or limitation of any certificate, permit, license, or authority issued by
20 the commission pursuant to the laws of this state within the jurisdiction
21 of the commission as enumerated in section 75-109.01, or (c) any rule,
22 regulation, or order of the commission issued under authority delegated
23 to the commission pursuant to the laws of this state within the
24 jurisdiction of the commission as enumerated in section 75-109.01.

25 (2) In addition to other penalties and relief provided by law, the
26 Public Service Commission may, upon a finding that the violation is
27 proven by clear and convincing evidence, assess a civil penalty not less
28 than one hundred dollars and not more than one thousand dollars against
29 any jurisdictional utility for each violation of (a) any provision of the
30 State Natural Gas Regulation Act, (b) any rule, regulation, order, or
31 lawful requirement issued by the commission pursuant to the act, (c) any

1 final judgment or decree made by any court upon appeal from any order of
2 the commission, or (d) any term, condition, or limitation of any
3 certificate issued by the commission issued under authority delegated to
4 the commission pursuant to the act. The amount of the civil penalty
5 assessed in each case shall be based on the severity of the violation
6 charged. The commission may compromise or mitigate any penalty prior to
7 hearing if all parties agree. In determining the amount of the penalty,
8 the commission shall consider the appropriateness of the penalty in light
9 of the gravity of the violation and the good faith of the violator in
10 attempting to achieve compliance after notification of the violation is
11 given.

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

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

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

10 (6) Upon notice and hearing in accordance with this section and
11 section 75-157, the commission may enter an order assessing a civil
12 penalty of up to one hundred dollars against any person, firm,
13 partnership, limited liability company, corporation, cooperative, or
14 association for failure to file an annual report or pay the fee as
15 required by section 75-116 and as prescribed by commission rules and
16 regulations or for failure to register as required by section 86-125 and
17 as prescribed by commission rules and regulations. Each day during which
18 the violation continues after the commission has issued an order finding
19 that a violation has occurred constitutes a separate offense. Any party
20 aggrieved by an order of the commission under this section may appeal.
21 The appeal shall be in accordance with section 75-136.

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

1 civil action in the district court of Lancaster County.

2 **Sec. 5.** Section 77-2703.04, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 77-2703.04 (1) Except for the telecommunications service defined in
5 subsection (3) of this section, the sale of telecommunications service
6 sold on a call-by-call basis shall be sourced to (a) each level of taxing
7 jurisdiction where the call originates and terminates in that
8 jurisdiction or (b) each level of taxing jurisdiction where the call
9 either originates or terminates and in which the service address is also
10 located.

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

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

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

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

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

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

30 (i) Provide or contract for a tax assignment database based upon
31 standards identified in 4 U.S.C. 119, as such section existed on July 20,

1 2002, with the following conditions:

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

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

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

17 (c) If charges for mobile telecommunications service that are not
18 subject to tax are aggregated with and not separately stated on the bill
19 from charges that are subject to tax, the total charge to the customer
20 shall be subject to tax unless the home service provider can reasonably
21 separate charges not subject to tax using the records of the home service
22 provider that are kept in the regular course of business.

23 (d) For purposes of this subsection:

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

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

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

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

16 (v) Tax means the sales taxes levied under sections 13-319, 77-2703,
17 77-27,142, and 77-6403, the surcharges levied under ~~the Enhanced Wireless~~
18 ~~911 Services Act~~, the Nebraska Telecommunications Universal Service Fund
19 Act, ~~and~~ the Telecommunications Relay System Act, and the 911 Service
20 System Act, and any other tax levied against the customer based on the
21 amount charged to the customer. Tax does not mean an income tax, property
22 tax, franchise tax, or any other tax levied on the home service provider
23 that is not based on the amount charged to the customer.

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

29 (5) A sale of prepaid calling service or a sale of a prepaid
30 wireless calling service is sourced in accordance with section
31 77-2703.01, except that in the case of a sale of a prepaid wireless

1 calling service, the rule provided in section 77-2703.01 shall include as
2 an option the location associated with the mobile telephone number.

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

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

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

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

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

22 (7) For purposes of this section:

23 (a) 800 service means a telecommunications service that allows a
24 caller to dial a toll-free number without incurring a charge for the
25 call. The service is typically marketed under the name 800, 855, 866,
26 877, and 888 toll-free calling, and any subsequent numbers designated by
27 the Federal Communications Commission;

28 (b) 900 service means an inbound toll telecommunications service
29 purchased by a subscriber that allows the subscriber's customers to call
30 in to the subscriber's prerecorded announcement or live service. 900
31 service does not include the charge for collection services provided by

1 the seller of the telecommunications services to the subscriber or
2 service or product sold by the subscriber to the subscriber's customer.
3 The service is typically marketed under the name 900 service, and any
4 subsequent numbers designated by the Federal Communications Commission;

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

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

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

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

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

23 (h) Conference bridging service means an ancillary service that
24 links two or more participants of an audio or video conference call and
25 may include the provision of a telephone number. Conference bridging
26 service does not include the telecommunications services used to reach
27 the conference bridge;

28 (i) Customer means the person or entity that contracts with the
29 seller of telecommunications service. If the end user of
30 telecommunications service is not the contracting party, the end user of
31 the telecommunications service is the customer of the telecommunications

1 service, but this sentence only applies for the purpose of sourcing sales
2 of telecommunications service under this section. Customer does not
3 include a reseller of telecommunications service or for mobile
4 telecommunications service of a serving carrier under an agreement to
5 serve the customer outside the home service provider's licensed service
6 area;

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

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

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

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

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

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

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

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

31 (r) Mobile wireless service means a telecommunications service that

1 is transmitted, conveyed, or routed regardless of the technology used,
2 whereby the origination and termination points of the transmission,
3 conveyance, or routing are not fixed, including, by way of example only,
4 telecommunications services that are provided by a commercial mobile
5 radio service provider;

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

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

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

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

26 (w) Prepaid wireless calling service means a telecommunications
27 service that provides the right to utilize mobile wireless service as
28 well as other nontelecommunications services, including the download of
29 digital products delivered electronically, content, and ancillary
30 services, which must be paid for in advance, that is sold in
31 predetermined units of dollars or which the number declines with use in a

1 known amount;

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

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

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

26 (aa) Telecommunications service means the electronic transmission,
27 conveyance, or routing of voice, data, audio, video, or any other
28 information or signals to a point, or between or among points.
29 Telecommunications service includes such transmission, conveyance, or
30 routing in which computer processing applications are used to act on the
31 form, code, or protocol of the content for purposes of transmission,

1 conveyance, or routing without regard to whether such service is referred
2 to as voice over Internet protocol services or is classified by the
3 Federal Communications Commission as enhanced or value-added.
4 Telecommunications service does not include:

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

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

12 (iii) Tangible personal property;

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

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

16 (vi) Internet access service;

17 (vii) Radio and television audio and video programming services,
18 regardless of the medium, including the furnishing of transmission,
19 conveyance, and routing of such services by the programming service
20 provider. Radio and television audio and video programming services shall
21 include, but not be limited to, cable service as defined in 47 U.S.C.
22 522, as such section existed on January 1, 2007, and audio and video
23 programming services delivered by providers of commercial mobile radio
24 service as defined in 47 C.F.R. 20.3, as such regulation existed on
25 January 1, 2007;

26 (viii) Ancillary services; or

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

29 (bb) Value-added, nonvoice data service means a service that
30 otherwise meets the definition of telecommunications services in which
31 computer processing applications are used to act on the form, content,

1 code, or protocol of the information or data primarily for a purpose
2 other than transmission, conveyance, or routing;

3 (cc) Vertical service means an ancillary service that is offered in
4 connection with one or more telecommunications services, which offers
5 advanced calling features that allow customers to identify callers and to
6 manage multiple calls and call connections, including conference bridging
7 services; and

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

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

14 86-124 (1) The commission shall not regulate the following:

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

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

19 (c) Interexchange services; and

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

23 (2) This section shall not affect or modify:

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

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

1 federal law;

2 (c) Any requirement to contribute to any fund administered by the
3 commission authorized by the ~~Enhanced Wireless~~ 911 Service System
4 ~~Services~~ Act or the Nebraska Telecommunications Universal Service Fund
5 Act;

6 (d) Any commission jurisdiction over intrastate switched access
7 rates, terms, and conditions, including the resolution of disputes
8 arising from, and implementation of federal and state law with respect
9 to, intercarrier compensation;

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

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

20 (g) The commission's authority under section 50 of this act
21 ~~86-1029.04~~.

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

24 86-125 Notwithstanding the provisions of section 86-124:

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

30 (2) A communications provider providing the services described in
31 subdivision (7)(a) of this section shall provide the commission with the

1 name, address, telephone number, and email address of a contact person
2 concerning:

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

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

7 (c) The ~~Enhanced Wireless 911 Service System Services~~ Act and
8 related surcharges, if applicable; and

9 (d) Consumer complaints and inquiries;

10 (3) A communications provider providing the services described in
11 subdivision (7)(b) of this section shall provide the commission with the
12 name, address, telephone number, and email address of a person with
13 managerial responsibility for Nebraska operations;

14 (4) A communications provider shall:

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

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

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

1 Order FCC 22-84;

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

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

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

9 (a) Uses telephone numbers or Internet protocol addresses or their
10 functional equivalents or successors to provide information of a user's
11 choosing by aid of wire, cable, wireless, satellite, or other like
12 connection, whether part of a bundle of services or offered separately,
13 (i) which provides or enables real-time or interactive voice
14 communications and (ii) in which the voice component is the primary
15 function; or

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

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

25 86-163 The commission shall file with the Clerk of the Legislature
26 an annual report on or before September 30 of each year on the status of
27 the Nebraska telecommunications industry. The report shall be submitted
28 in electronic format. The report shall:

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

31 (2) Describe the availability of diverse and affordable

1 telecommunications service to all of the people of Nebraska;

2 (3) Describe the level of telecommunications service rates;

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

5 (5) Describe the availability and location of 911 service ~~and E-911~~
6 ~~service~~ as required by section 62 of this act ~~86-437~~;

7 (6) Describe the availability and location of next-generation
8 ~~wireless 911 service or enhanced wireless 911 service~~ as required by
9 section 55 of this act ~~86-460~~;

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

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

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

17 86-313 (1)(a) Each telephone company in Nebraska shall collect from
18 each of the telephone subscribers a surcharge not to exceed twenty cents
19 per month on each telephone number or functional equivalent in Nebraska,
20 including wireless service as defined in section 41 of this act
21 ~~86-456.01~~. Except for wireless service, the surcharge shall only be
22 collected on the first one hundred telephone numbers or functional
23 equivalents per subscriber. The companies shall add the surcharge to each
24 subscriber's bill. The surcharge shall not be collected with respect to
25 prepaid wireless telecommunications service as defined in the Prepaid
26 Wireless Surcharge Act.

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

29 (2) Before April 1 of each year, the commission shall hold a public
30 hearing to determine the amount of surcharge necessary to carry out the
31 Telecommunications Relay System Act. After the hearing, the commission

1 shall set the surcharge at the level necessary to fund the statewide
2 telecommunications relay system and the specialized telecommunications
3 equipment program for the following year plus a reasonable reserve. The
4 surcharge shall become effective on July 1 following the change.

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

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

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

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

15 **Sec. 10.** Section 86-472, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 86-472 (1) The Legislature finds that:

18 (a) In 2020, Congress enacted the federal National Suicide Hotline
19 Designation Act of 2020, Public Law 116-172. This federal act designated
20 988 as the universal three-digit telephone number within the United
21 States for the purpose of the national suicide prevention and mental
22 health crisis hotline system operating since 2005 through the National
23 Suicide Prevention Lifeline;

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

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

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

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

6 (b) Coordinate and cooperate with the Public Service Commission to
7 ensure that the 988 Suicide and Crisis Lifeline has the capability to
8 connect individuals to the 911 service system and also receive
9 communications from the 911 service system as provided under subdivision
10 (6) of section 42 of this act ~~86-1025~~.

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

13 86-802 For purposes of the Kelsey Smith Act:

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

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

19 (3) Wireless carrier has the same meaning as in section 40 of this
20 act ~~86-456~~; and

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

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

26 86-903 (1) The Department of Revenue shall determine the prepaid
27 wireless surcharge annually, effective January 1, based on the charges
28 described in subsection (2) of this section as in effect on the preceding
29 July 1. The department shall provide not less than ninety days' advance
30 notice of any change in the prepaid wireless surcharge on the
31 department's website.

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

4 (a) The percentage obtained by dividing (i) the amount of the
5 wireless ~~E-911~~ surcharge authorized under subdivision (1)(b) of section
6 52 of this act ~~86-457~~ by (ii) fifty;

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

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

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

19 (4) Beginning January 1, 2013, each seller shall collect the prepaid
20 wireless surcharge from the consumer with respect to each retail
21 transaction occurring in this state. The seller shall disclose the amount
22 of the prepaid wireless surcharge either separately on an invoice,
23 receipt, or other similar document that is provided to the consumer by
24 the seller or otherwise. A retail transaction that is effected in person
25 by a consumer at a business location of the seller shall be treated as
26 occurring in this state if that business location is in this state, and
27 any other retail transaction shall be treated as occurring in this state
28 if the retail transaction is treated as occurring in this state for
29 purposes of section 77-2703.

30 (5) The prepaid wireless surcharge is the liability of the consumer
31 and not of the seller or of any provider, except that the seller shall be

1 liable to remit all prepaid wireless surcharges that the seller collects
2 from consumers as provided in section 86-904, including all such charges
3 that the seller is deemed to collect when the amount of the charge has
4 not been separately stated on an invoice, receipt, or other similar
5 document provided to the consumer by the seller.

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

12 (7) For purposes of subsection (4) of this section, when prepaid
13 wireless telecommunications service is sold with one or more other
14 products or services for a single, non-itemized price, the seller shall
15 elect to treat the price of the prepaid wireless telecommunications
16 service (a) as such entire non-itemized price, (b) if the amount of
17 prepaid wireless telecommunications service is disclosed to the consumer
18 as a dollar amount, as such dollar amount, or (c) if the retailer can
19 identify the portion of the price that is attributable to the prepaid
20 wireless telecommunications service by reasonable and verifiable
21 standards from its books and records that are kept in the regular course
22 of business for other purposes, including, but not limited to, nontax
23 purposes, as such portion. If the amount of prepaid wireless
24 telecommunications service is denominated as ten minutes or less or as
25 five dollars or less, the seller may elect not to collect any prepaid
26 wireless surcharge with respect to the retail transaction.

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

29 86-905 The prepaid wireless surcharge shall be the only funding
30 obligation imposed with respect to prepaid wireless telecommunications
31 service for 911 ~~E-911~~ service, telecommunications relay service, and

1 universal service in this state, and no tax, fee, surcharge, or other
2 charge shall be imposed by this state, any political subdivision of this
3 state, or any intergovernmental agency, for purposes of funding 911 ~~E-911~~
4 service, telecommunications relay service, or universal service, upon any
5 provider, seller, or consumer with respect to the sale, purchase, use, or
6 provision of prepaid wireless telecommunications service.

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

9 ~~86-1001~~ Sections 14 to 68 of this act ~~86-1001 to 86-1029.04~~ shall be
10 known and may be cited as the 911 Service System Act.

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

13 ~~86-1002~~ The purpose of the 911 Service System Act is to establish
14 the Public Service Commission as the statewide implementation and
15 coordinating authority to plan, implement, coordinate, manage, maintain,
16 and provide funding assistance for a 911 service system consistent and
17 compatible with national public safety standards advanced by recognized
18 standards and development organizations.

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

21 ~~86-1003~~ It is the intent of the Legislature that:

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

24 (2) The commission provide for the coordination of 911 service on a
25 statewide basis;

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

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

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

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

8 (7) The express authority granted to the commission to implement the
9 911 Service System Act not be deemed to supersede or otherwise modify
10 section 86-124 or to provide the commission with any additional authority
11 not provided by law existing on April 19, 2016, including, but not
12 limited to, regulatory authority over originating service providers
13 except as provided under section 50 of this act ~~86-1029.04~~; and

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

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

20 ~~86-1004~~ For purposes of the 911 Service System Act, the definitions
21 found in sections 18 to 41 of this act ~~86-1005 to 86-1024.01~~ apply.

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

24 ~~86-1006~~ Commission means the Public Service Commission.

25 **Sec. 19.** Section 86-1006.01, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 ~~86-1006.01~~ Committee means the 911 Service System Advisory
28 Committee.

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

31 ~~86-1007~~ Emergency services means the provision through a public

1 safety agency of firefighting, law enforcement, ambulance, emergency,
2 medical, or other public emergency services, as determined by a local
3 governing body, to respond to and manage emergency incidents.

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

6 ~~86-449.01~~ Home service provider means a telecommunications company
7 as defined in section 86-322 that has contracted with a customer to
8 provide wireless service.

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

11 ~~86-1011~~ Internet protocol means the method by which data is sent
12 from one computer to another on the Internet or other networks.

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

15 ~~86-1012~~ Internet protocol-enabled service means any service,
16 capability, functionality, or application provided using Internet
17 protocol, or any successor protocol, that enables a service user to send
18 or receive a communication in Internet protocol format including, but not
19 limited to, voice, data, or video.

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

22 ~~86-1013~~ Local governing body means a county board, city council of a
23 city, board of trustees of a village, board of directors of any rural or
24 suburban fire protection district, or any governing body of an entity
25 created pursuant to the Interlocal Cooperation Act or the Joint Public
26 Agency Act.

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

29 ~~86-1014~~ Network means (1) a legacy telecommunications network that
30 supports basic 911 service and ~~enhanced-911 service~~ or (2) a managed
31 Internet protocol network that is used for 911 calls, that can be shared

1 by all public safety answering points, and that provides the Internet
2 protocol transport infrastructure upon which independent application
3 platforms and core functional processes can be deployed, including, but
4 not limited to, those necessary for providing next-generation 911 service
5 capability. A network may be constructed from a mix of dedicated and
6 shared facilities and may be interconnected at local, regional, state,
7 national, and international levels.

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

10 ~~86-1015~~ Next-generation 911 means an Internet protocol-based system
11 that:

12 (1) Ensures interoperability;

13 (2) Is secure;

14 (3) Employs commonly accepted standards;

15 (4) Enables emergency communications centers to receive, process,
16 and analyze all types of 911 requests for emergency services;

17 (5) Acquires and integrates additional information useful to
18 handling 911 requests for emergency services; and

19 (6) Supports sharing information related to 911 requests for
20 emergency services among public safety answering points and emergency
21 service providers.

22 ~~(1) comprised of networks, functional elements, and databases that~~
23 ~~replicate basic 911 service and enhanced 911 service features and~~
24 ~~functions and provide additional capabilities and (2) designed to provide~~
25 ~~access to emergency services from all connected communications sources~~
26 ~~and to provide multimedia data capabilities for public safety answering~~
27 ~~points and other emergency services organizations.~~

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

30 ~~86-1017~~ 911 call means any form of communication requesting any type
31 of emergency services by contacting a public safety answering point,

1 including voice or nonvoice communications as well as transmission of any
2 analog or digital data. 911 call includes a voice call, video call, text
3 message, or data-only call.

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

6 ~~86-1018~~ 911 service means the service a public safety answering
7 point uses to receive and process 911 calls over a 911 service system.

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

10 ~~86-429~~ 911 service area means (1) the portion of a local governing
11 body's jurisdiction in which 911 service is provided and (2) an area
12 being provided 911 service by contract with a service supplier on or
13 before January 1, 1990, notwithstanding the crossing of jurisdictional
14 lines, until such time as the noncontracting local governing body
15 notifies the contracting local governing body in writing of its intention
16 to opt out of the 911 service area.

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

19 ~~86-1019~~ 911 service system means a coordinated system of
20 technologies, software applications, databases, customer-premise
21 equipment components, and operations and management procedures used to
22 provide 911 service through the operation of an efficient and effective
23 network for accepting, processing, and delivering 911 calls to a public
24 safety answering point, including, but not limited to, ~~basic~~ 911 service,
25 ~~enhanced-911 service, enhanced wireless 911 service,~~ next-generation 911
26 service, and any emerging technologies, networks, and systems that allow
27 access to 911 service.

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

30 ~~86-1020~~ Except as provided in section 50 of this act, originating
31 Originating service provider means an entity that provides the capability

1 for customers to originate 911 calls to public safety answering points.

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

4 ~~86-429.01~~ Primary place of use means the residential or business
5 street address that is representative of the primary location of the
6 customer's use of a service that includes the provision of 911 service.

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

9 ~~86-1021~~ Public safety agency means an agency which provides
10 emergency services.

11 **Sec. 34.** Section 86-1022, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 ~~86-1022~~ Public safety answering point means a local governmental
14 entity responsible for receiving 911 calls and processing those calls
15 according to a specific operational policy.

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

18 ~~86-432~~ Service supplier means any person providing 911 service in
19 this state.

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

22 ~~86-433~~ Service surcharge means a charge set by a local governing
23 body and assessed on each telephone number or functional equivalent of
24 service users whose primary place of use is within the local governing
25 body's designated 911 service area, with the exception of those service
26 users served by wireless carriers ~~as defined in section 86-456 and those~~
27 ~~service users who have no access to 911 service.~~

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

30 ~~86-1023~~ Service user means any person who initiates a 911 call to
31 receive emergency services.

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

3 ~~86-1024~~ Stakeholder means a public safety answering point, a public
4 safety agency, and any person, organization, agency of government,
5 originating service provider, or other organization that has a vital
6 interest in the 911 service system.

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

9 ~~86-1024.01~~ Telecommunications relay services has the same meaning as
10 in 47 C.F.R. 9.3, as such regulation existed on January 1, 2024.

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

13 ~~86-456~~ Wireless carrier means (1) any carrier of mobile service as
14 referenced in 47 U.S.C. 153(33) ~~153(27)~~, as such section existed on
15 January 1, 2025 ~~2007~~, (2) any carrier of commercial mobile service as
16 referenced in 47 U.S.C. 332(d)(1), as such section existed on January 1,
17 2025 ~~2007~~, (3) any carrier of commercial mobile radio service as
18 referenced in 47 C.F.R. 20.3 ~~20-9~~, as such regulation existed on January
19 1, 2025 ~~2007~~, ~~or~~ (4) any cellular radiotelephone service as referenced in
20 subpart H of 47 C.F.R. 22, as such regulation existed on January 1, 2025,
21 (5) any licensees of a personal communications service as referenced in
22 47 C.F.R. 24, as such regulation existed on January 1, 2025, or (6) any
23 ~~and~~ specialized mobile radio services as referenced in subpart S of 47
24 C.F.R. 90 ~~20-9~~, as such regulation existed on January 1, 2025 ~~2007~~.

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

27 ~~86-456.01~~ Wireless service means: (1) Any mobile service as defined
28 in 47 U.S.C. 153 and 47 C.F.R. 27.4, as such section and regulation
29 existed on January 1, 2025 ~~2007~~; (2) any commercial mobile service as
30 defined in 47 U.S.C. 332(d), as such section existed on January 1, 2025
31 ~~2007~~; or (3) any commercial mobile radio service as referenced in 47

1 C.F.R. 20.3 ~~20.9~~, as such regulation existed on January 1, 2025 ~~2007~~.

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

4 ~~86-1025~~ The commission shall:

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

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

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

16 (4) Appoint the members of the committee and act on the committee's
17 recommendations as provided in section 43 of this act ~~86-1025-01~~;

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

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

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

31 (i) Costs incurred by or on behalf of local governing bodies or

1 public safety answering points to provide 911 service, including, but not
2 limited to, (A) acquisition of new equipment and related maintenance
3 costs and license fees, (B) upgrades and modifications, (C) delivering
4 next-generation 911 core services, and (D) training personnel used to
5 provide 911 services; and

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

10 (6) Adopt statewide uniform standards for technical enhancement,
11 support, training, and quality assurance that will allow the 911 service
12 system to communicate, coordinate, and engage with the 988 Suicide and
13 Crisis Lifeline. Such standards shall provide that service users calling
14 the 911 service system can be connected to the 988 Suicide and Crisis
15 Lifeline, and individuals calling the 988 Suicide and Crisis Lifeline can
16 be connected to the 911 service system, when deemed appropriate by the
17 call-center operators. The purpose of such dual capability is to
18 facilitate the provision of appropriate emergency services, including
19 instances requiring counseling services for an individual in
20 psychological distress. The standards shall be completed so that the dual
21 capability to connect individuals between both the 988 Suicide and Crisis
22 Lifeline and the 911 service system is operational no later than January
23 1, 2025.

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

26 ~~86-1025.01~~ (1) The 911 Service System Advisory Committee is created.
27 The committee shall advise the commission concerning the implementation,
28 coordination, operation, management, maintenance, and funding of the 911
29 service system and provide input on technical training and quality
30 assurance. The state 911 director and the Chief Information Officer or
31 his or her designee shall serve as ex officio members. The committee

1 shall include the following individuals appointed by the commission:

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

6 (b) Two county officials or employees;

7 (c) Two municipal officials or employees;

8 (d) Two representatives of the telecommunications industry;

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

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

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

15 (2) Of the fourteen appointed members of the committee described in
16 subdivisions (1)(a) through (g) of this section, at least two ~~four~~
17 members shall be appointed from each of the three congressional
18 districts. Beginning in 2025, the terms of the current members shall
19 expire in staggered three-year terms such that no more than one-third of
20 the committee membership will expire at any one time as determined by the
21 commission. The appointed members of the committee shall serve for terms
22 of three years. A vacancy shall be filled for the remainder of the
23 unexpired term. The committee shall annually select a chairperson and
24 vice-chairperson and meet as often as necessary to carry out its duties.
25 Members of the committee shall be reimbursed for expenses as provided in
26 sections 81-1174 to 81-1177.

27 (3) The committee shall make any recommendations to the commission
28 regarding the exercise of the commission's duties administering the 911
29 service system pursuant to section 42 of this act ~~86-1025~~, including
30 recommending the adoption and promulgation of any rules and regulations
31 necessary to carry out the purposes of the 911 Service System Act, and

1 ~~may advise on~~ the introduction of any legislation. The commission may
2 consider and implement any such recommendations.

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

5 ~~86-1026~~ The commission shall appoint a state 911 director to manage
6 the department established within the commission for the 911 service
7 system. The commission shall ensure that the department has all necessary
8 staffing and resources. The commission may retain contracted experts or
9 consultants who may be required for the administration of the 911 Service
10 System Act.

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

13 ~~86-1028~~ (1) The 911 Service System Fund is created. The fund shall
14 consist of surcharges collected pursuant to section ~~sections 86-457 and~~
15 ~~86-904 and section 52 of this act, money transferred from the Enhanced~~
16 ~~Wireless 911 Fund,~~ any federal funds received for implementation and
17 development of 911 service, and any other money designated for credit to
18 the 911 Service System Fund. The fund shall be used for the costs of
19 administering the fund ~~, for the purposes specified in section 86-465~~
20 ~~unless otherwise directed by federal law with respect to any federal~~
21 ~~funds, and for the purposes specified in the 911 Service System Act.~~ The
22 costs of administering the 911 Service System Fund shall be kept to a
23 minimum.

24 (2) The fund shall not be subject to any fiscal-year limitation or
25 lapse provision of unexpended balance at the end of any fiscal year or
26 biennium. Any money in the fund available for investment shall be
27 invested by the state investment officer pursuant to the Nebraska Capital
28 Expansion Act and the Nebraska State Funds Investment Act ~~, and for the~~
29 ~~period July 1, 2017, through June 30, 2019, any interest earned by the~~
30 ~~fund shall be credited to the General Fund.~~

31 (3) Money in the 911 Service System Fund may be used to pay for

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

9 ~~(4) The State Treasurer shall transfer any money in the Enhanced~~
10 ~~Wireless 911 Fund on July 1, 2018, to the 911 Service System Fund.~~

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

13 ~~86-1029~~ The express authority granted to the commission to implement
14 the 911 Service System Act shall not be deemed to supersede or otherwise
15 modify section 86-124 or to provide the commission with any additional
16 authority not provided by law existing on April 19, 2016, including, but
17 not limited to, regulatory authority over originating service providers
18 except as provided under section 50 of this act ~~86-1029.04~~.

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

21 ~~86-1029.01~~ The commission may apply for any federal or other funds
22 available for next-generation 911 service and may distribute such federal
23 funds consistent with federal law and other funds consistent with the
24 directives, purposes, or conditions of such other funds. Except for
25 intentional acts, the commission shall be immune from liability or the
26 payment of damages in applying for any such federal funds. The state 911
27 director shall be the designated single point of contact for any federal
28 911 grant program.

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

31 ~~86-1029.02~~ Any person involved in the provision of next-generation

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

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

14 ~~86-1029.03~~ The commission shall adopt and promulgate rules and
15 regulations necessary to carry out the 911 Service System Act.

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

18 ~~86-1029.04~~ (1) For purposes of this section, originating service
19 provider means the telecommunications service provider, whether by
20 wireline or wireless service, or the voice over Internet protocol service
21 provider providing the capability for customers to originate 911 calls.

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

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

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

1 (b) No later than ten months prior to the date set forth in
2 subdivision (2)(a) of this section, an originating service provider and
3 the next-generation 911 service contractor shall enter into an agreement
4 to cause the requirements of such subdivision to be met. If the
5 originating service provider and the next-generation 911 service
6 contractor have not entered into an agreement by such date, the
7 originating service provider and the next-generation 911 service
8 contractor shall notify the Public Service Commission to seek resolution
9 of any unresolved issues in accordance with the commission's policies
10 relating to interconnection arbitration and mediation.

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

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

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

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

28 (b) No later than ten months prior to the date set forth in
29 subdivision (3)(a) of this section, a provider of telecommunications
30 relay services and the next-generation 911 service contractor shall enter
31 into an agreement to cause the requirements of such subdivision to be

1 met. If the provider of telecommunications relay services and the next-
2 generation 911 service contractor have not entered into an agreement by
3 such date, the provider of telecommunications relay services and the
4 next-generation 911 service contractor shall notify the Public Service
5 Commission to seek resolution of any unresolved issues in accordance with
6 the commission's policies relating to interconnection arbitration and
7 mediation.

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

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

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

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

28 ~~86-1031~~ (1) For purposes of this section:

29 (a) Communications service provider means a cable operator as
30 defined in 47 U.S.C. 522, a provider of information service as defined in
31 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C.

1 153 ~~, but does not include a wireless provider; and~~

2 ~~(b) 911 service has the same meaning as in section 86-1018; and~~

3 ~~(b) (c)~~ Outage has the same meaning as described in 47 C.F.R.
4 4.5(e).

5 (2) A communications service provider that is required to file
6 reports with the Federal Communications Commission regarding a 911
7 service outage pursuant to 47 C.F.R. 4.9(h) shall also file copies of
8 such reports with the Public Service Commission. The reports filed with
9 the Public Service Commission shall follow the same timelines and provide
10 the same information as outlined in 47 C.F.R. 4.9 and 4.11. Reports filed
11 pursuant to this section shall be deemed confidential and shall not be
12 subject to public disclosure pursuant to sections 84-712 to 84-712.09.

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

19 (b) This subsection shall not apply if:

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

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

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

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

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

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

3 ~~86-457~~ (1) Each wireless carrier shall collect:

4 (a) A surcharge of up to seventy cents, except as provided in
5 subdivision (1)(b) of this subsection, on all active telephone numbers or
6 functional equivalents every month from users of wireless service and
7 shall remit the surcharge in accordance with section 54 of this act
8 ~~86-459~~; or

9 (b) A surcharge of up to fifty cents on all active telephone numbers
10 or functional equivalents every month from users of wireless service
11 whose primary place of use is in a county containing a city of the
12 metropolitan class and shall remit the surcharge in accordance with
13 section 54 of this act ~~86-459~~.

14 The wireless carrier is not liable for any surcharge not paid by a
15 customer and is not required to collect the wireless surcharge for any
16 customers receiving services under the Nebraska Telephone Assistance
17 Program who do not receive a monthly charge for service through a billing
18 statement.

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

24 (3) If a wireless carrier, except as otherwise provided in this
25 section, resells its service through other entities, each reseller shall
26 collect the surcharge from its customers and shall remit the surcharge in
27 accordance with section 54 of this act ~~86-459~~.

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

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

31 **Sec. 53.** Section 86-458, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~86-458~~ The commission shall hold a public hearing annually to
3 determine the amount of revenue necessary to carry out the ~~Enhanced~~
4 ~~Wireless 911 Services Act~~ and the 911 Service System Act. After the
5 hearing, the commission shall determine the amount of money to be
6 deposited in the 911 Service System Fund for the following year and shall
7 set the surcharge subject to the limitation in section 52 of this act
8 ~~86-457~~.

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

11 ~~86-459~~ (1) Each wireless carrier shall remit monthly to the
12 commission the amounts collected pursuant to section 52 of this act
13 ~~86-457~~ together with any forms required by the commission no later than
14 sixty days after the last day of the month. The commission shall remit
15 the funds to the State Treasurer for credit to the 911 Service System
16 Fund.

17 (2) As the commission may require, each wireless carrier, ~~except a~~
18 ~~wireless carrier whose users have no 911 service,~~ shall report to the
19 commission on a quarterly basis for each county in a manner prescribed by
20 the commission the following information: (a) The number of telephone
21 numbers or functional equivalents served; (b) the number of telephone
22 numbers or functional equivalents from which it has collected surcharge
23 revenue; (c) the number of wireless towers by county; and (d) the current
24 implementation status of ~~enhanced~~ wireless 911 service in each county
25 served by that wireless carrier.

26 (3) The wireless carrier shall maintain all records required by this
27 section, records of the amounts collected pursuant to section 52 of this
28 act ~~86-457~~, and remittance records for a period of five years after the
29 date of remittance to the fund. The commission may require an audit of
30 any wireless carrier's books and records concerning the collection and
31 remittance of any amounts collected pursuant to the ~~Enhanced Wireless 911~~

1 Service System Services Act. The costs of any audit required by the
2 commission shall, at the commission's discretion, be paid by the audited
3 wireless carrier. A wireless carrier shall not be required to pay for
4 more than one remittance audit or more than one collection audit per
5 year, unless the commission orders subsequent audits for good cause.

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

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

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

14 ~~86-460~~ (1) Each public safety answering point shall report to the
15 commission annually (a) the name and location of the public safety
16 answering point and (b) whether next-generation ~~wireless 911 service or~~
17 ~~enhanced wireless~~ 911 service is provided at that public safety answering
18 point.

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

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

24 ~~86-466~~ (1) A public safety answering point ~~and wireless carrier~~ may
25 be compensated for costs determined by the commission to be eligible for
26 funding. The level of funding available to each public safety answering
27 point ~~and wireless carrier~~ for eligible cost compensation may be limited
28 ~~based upon the mechanism established by the commission pursuant to~~
29 ~~section 86-465~~. The commission is not required to provide compensation
30 for costs to more than one public safety answering point in any county. A
31 public safety answering point ~~or wireless carrier~~ may apply for

1 disbursement from the 911 Service System Fund by submitting a written
2 application to the commission. The commission shall receive and review
3 applications, including supporting documentation. The commission shall
4 notify each applicant as to the commission's approval or disapproval of
5 the application.

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

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

11 ~~86-467~~ Information provided by wireless carriers to the ~~advisory~~
12 ~~board~~ or the commission pursuant to the ~~Enhanced Wireless 911 Service~~
13 System Services Act may be treated as records which may be withheld from
14 the public upon request of the party submitting such records if the
15 information qualifies under subdivision (3) of section 84-712.05.

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

18 ~~86-468~~ The commission, local governing bodies, and public safety
19 agencies may provide ~~enhanced~~ wireless 911 service. In contracting for
20 and providing such service, except for failure to use reasonable care or
21 for intentional acts, the commission, each local governing body, each
22 public safety agency, each wireless carrier, and their employees and
23 agents shall be immune from liability or the payment of damages in the
24 performance of installing, maintaining, or providing ~~enhanced~~ wireless
25 911 service.

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

28 ~~86-470~~ The commission may assess a civil penalty pursuant to section
29 75-156 for each violation of any provision of the ~~Enhanced Wireless 911~~
30 Service System Services Act or any rule, regulation, or order of the
31 commission issued under authority delegated to the commission pursuant to

1 the act.

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

4 ~~86-435~~ (1) A local governing body may incur any nonrecurring or
5 recurring charges for the installation, maintenance, and operation of 911
6 service and shall pay such costs out of general funds which may be
7 supplemented by funds from the imposition of a service surcharge. A local
8 governing body incurring costs for 911 service may impose a uniform
9 service surcharge of up to fifty cents per month on each telephone number
10 or functional equivalent of service users whose primary place of use is
11 within the local governing body's 911 service area, except for those
12 service users served by wireless carriers ~~as defined in section 86-456~~
13 ~~and those service users who have no access to 911 service~~. The initial
14 service surcharge may be imposed at any time subsequent to the execution
15 of an agreement for 911 service with a service supplier.

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

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

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

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

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

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

28 (3) If 911 service is to be provided for a territory which is
29 included in whole or in part in the jurisdiction of two or more local
30 governing bodies, the agreement for such service shall be entered into by
31 each such local governing body unless any such local governing body

1 expressly excludes itself from the agreement. Such an agreement shall
2 provide that each local governing body which is a customer of 911 service
3 will pay for its portion of the service. Nothing in this subsection shall
4 be construed to prevent two or more local governing bodies from entering
5 into a contract which establishes a separate legal entity for the purpose
6 of entering into such an agreement as the customer of the service
7 supplier or any supplier of equipment for 911 service.

8 (4) If a local governing body's 911 service area includes a local
9 exchange area which intersects governmental boundary lines, the affected
10 governmental units may cooperate to provide 911 service through an
11 agreement as provided in the Interlocal Cooperation Act or the Joint
12 Public Agency Act. The agreement shall provide for the assessment of a
13 uniform service surcharge within a local governing body's 911 service
14 area. The service surcharge on each telephone number or functional
15 equivalent of service users whose primary place of use is within the
16 local governing body's 911 service area, except for those service users
17 served by wireless carriers as ~~defined in section 86-456 and those~~
18 ~~service users who have no access to 911 service~~, shall be the same as the
19 amount allowed in subsections (1) and (2) of this section.

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

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

26 ~~86-436~~ (1) A service user shall pay service surcharges in each 911
27 service area where the service user has its primary place of use and
28 receives 911 service, except that an individual service user shall not be
29 required to pay on a single periodic billing service surcharges on more
30 than one hundred telephone numbers or functional equivalents in any
31 single 911 service area. Every service user shall be liable for any

1 service surcharge billed to such user until the surcharge has been paid
2 to the service supplier.

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

8 (3) A service supplier shall have no obligation to take any legal
9 action to enforce the collection of any service surcharge imposed
10 pursuant to section 60 of this act ~~86-435~~. Such action may be brought by
11 or on behalf of the local governing body imposing the charge or the
12 separate legal entity formed pursuant to such section. A service supplier
13 shall annually provide the local governing body a list of the amounts
14 uncollected along with the names and addresses of those service users who
15 carry a balance that can be determined by the service supplier to be for
16 nonpayment of any service surcharge. The service supplier shall not be
17 liable for such uncollected amounts.

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

20 ~~86-437~~ (1) The amount of service surcharges collected in one
21 calendar quarter by a service supplier shall be remitted to the local
22 governing body no later than sixty days after the close of that calendar
23 quarter. At the time of the remittance, the service supplier shall file a
24 return for the remittance with the local governing body in such form as
25 the local governing body and the service supplier agree upon. The service
26 supplier shall maintain a record of the amount of service surcharges
27 collected. The record shall be maintained for a period of one year after
28 the date the amount was billed. A local governing body may at its own
29 expense require an annual audit of a service supplier's books and records
30 concerning the collection and remittance of a service surcharge.

31 (2) On or before April 30 of each year, each service supplier shall

1 report for the preceding calendar year to the commission ~~Public Service~~
2 ~~Commission~~ for each of its exchanges (a) whether 911 service ~~or E-911~~
3 ~~service~~ is provided in that exchange, (b) the level of the service
4 surcharge, (c) to which local governing body the service surcharge is
5 being submitted, and (d) the amount of revenue collected by the service
6 surcharge.

7 (3) The commission shall compile and place the information from such
8 reports required in subsection (2) of this section into its annual
9 telecommunications report to the Legislature, including the availability
10 and location of 911 service ~~and E-911 service~~ in the State of Nebraska.

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

13 (5) The commission may administratively fine pursuant to section
14 75-156 any person who violates the 911 Service System ~~Emergency Telephone~~
15 ~~Communications Systems~~ Act.

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

18 ~~86-438~~ Each calendar year, the local governing body shall establish
19 the rate of the service surcharge, not to exceed the amount authorized by
20 section 60 of this act ~~86-435~~, that together with any surplus revenue
21 carried forward will produce sufficient revenue to fund the expenditures
22 necessary to develop, install, and operate 911 emergency telephone
23 communications systems throughout the state ~~described in section 86-421~~.
24 Amounts collected in excess of such necessary expenditures within a given
25 year shall be carried forward to the next year. A local governing body
26 shall make its determination of the rate no later than September 1 of
27 each year and, if it is a new rate, shall fix the new rate to take effect
28 commencing with the first billing period of each service user on or
29 following the next January 1. The local governing body shall notify by
30 certified or registered mail every service supplier of any change in the
31 rate at least ninety days before the new rate becomes effective.

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

3 ~~86-439~~ Funds collected by a local governing body from the imposition
4 of a service surcharge shall be credited to a separate fund apart from
5 the general revenue of the local governing body and shall be used solely
6 to pay for costs for 911 service. Any money remaining in the fund at the
7 end of any fiscal year shall remain in the fund for payments during any
8 succeeding year, except that if 911 service is discontinued, money
9 remaining in the fund after payment of all costs related to 911 service
10 have been made shall be transferred to the general fund of the public
11 safety agency or proportionately to the general fund of each
12 participating public safety agency.

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

15 ~~86-440~~ Any local governing body authorized to impose a service
16 surcharge may enter into an agreement directly with a service supplier of
17 911 service or may contract and cooperate with any public safety agency,
18 with other states or their political subdivisions, or with any
19 association or corporation for the administration of 911 service as
20 provided by law.

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

23 ~~86-440.01~~ Each county shall implement next-generation 911
24 ~~enhanced-911~~ service by July 1, 2026 ~~2010~~.

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

27 ~~86- 441~~ The 911 service described in the 911 Service System
28 ~~Emergency Telephone Communications Systems~~ Act is within the governmental
29 powers and authorities of a local governing body or public safety agency.
30 In contracting for such 911 service and in providing such 911 service,
31 except for failure to use reasonable care or for intentional acts, each

1 local governing body, public safety agency, and service supplier and
2 their employees and agents shall be immune from liability or the payment
3 for any damages in the performance of installing, maintaining, or
4 providing 911 service.

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

7 ~~86-441.01~~ The commission ~~Public Service Commission~~ may apply for or
8 assist any political subdivision in applying for any federal or other
9 funds available for 911 service ~~or E-911 service~~ and may distribute
10 federal funds consistent with federal law and other funds consistent with
11 the directives, purposes, or conditions of such other funds. Except for
12 intentional acts, the commission shall be immune from liability or the
13 payment of damages in assisting any political subdivision in applying for
14 any such federal funds.

15 **Sec. 69.** Original sections 75-132.01, 86-124, 86-125, 86-163,
16 86-313, 86-429, 86-429.01, 86-432, 86-433, 86-435, 86-436, 86-437,
17 86-438, 86-439, 86-440, 86-440.01, 86-441, 86-441.01, 86-449.01, 86-456,
18 86-456.01, 86-457, 86-458, 86-459, 86-460, 86-466, 86-467, 86-468,
19 86-470, 86-472, 86-802, 86-903, 86-905, 86-1001, 86-1002, 86-1003,
20 86-1004, 86-1006, 86-1006.01, 86-1007, 86-1011, 86-1012, 86-1013,
21 86-1014, 86-1015, 86-1017, 86-1018, 86-1019, 86-1020, 86-1021, 86-1022,
22 86-1023, 86-1024, 86-1024.01, 86-1025, 86-1025.01, 86-1026, 86-1028,
23 86-1029, 86-1029.01, 86-1029.02, 86-1029.03, 86-1029.04, and 86-1031,
24 Reissue Revised Statutes of Nebraska, and sections 75-109.01, 75-126,
25 75-156, and 77-2703.04, Revised Statutes Cumulative Supplement, 2024, are
26 repealed.

27 **Sec. 70.** The following sections are outright repealed: Sections
28 86-420, 86-421, 86-422, 86-423, 86-424, 86-425, 86-426, 86-428, 86-430,
29 86-431, 86-434, 86-442, 86-443, 86-444, 86-445, 86-446, 86-447, 86-448,
30 86-449, 86-450, 86-450.01, 86-450.03, 86-451, 86-452, 86-453, 86-454,
31 86-455, 86-461, 86-462, 86-464, 86-465, 86-466.01, 86-469, 86-1005,

1 86-1008, 86-1009, 86-1010, 86-1016, and 86-1027, Reissue Revised Statutes
2 of Nebraska.