

AMENDMENTS TO LB993

Introduced by Transportation and Telecommunications.

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

3           Section 1. Section 86-441, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           86-441 The 911 service described in the Emergency Telephone  
6 Communications Systems Act is within the governmental powers and  
7 authorities of a governing body or public safety agency. In contracting  
8 for such 911 service and in providing such 911 service, except for  
9 actions or inactions that constitute gross negligence or intentional  
10 wrongful failure to use reasonable care or for intentional acts, each  
11 governing body, public safety agency, and service supplier and their  
12 employees and agents shall be immune from liability or the payment for  
13 any damages in the performance of installing, maintaining, or providing  
14 911 service.

15           Sec. 2. Section 86-442, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           86-442 Sections 86-442 to 86-470 ~~86-471~~ shall be known and may be  
18 cited as the Enhanced Wireless 911 Services Act.

19           Sec. 3. Section 86-458, Revised Statutes Cumulative Supplement,  
20 2016, is amended to read:

21           86-458 The commission shall hold a public hearing annually to  
22 determine the amount of revenue necessary to carry out the Enhanced  
23 Wireless 911 Services Act and the 911 Service System Act. After the  
24 hearing, the commission shall determine the amount of money to be  
25 deposited in the ~~Enhanced Wireless 911 Service System~~ Service System Fund for the  
26 following year and shall set the surcharge subject to the limitation in  
27 section 86-457.

1           Sec. 4. Section 86-459, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           86-459 (1) Each wireless carrier shall remit monthly to the  
4 commission the amounts collected pursuant to section 86-457 together with  
5 any forms required by the commission no later than sixty days after the  
6 last day of the month. The commission shall remit the funds to the State  
7 Treasurer for credit to the ~~Enhanced Wireless~~ 911 Service System Fund.

8           (2) As the commission may require, each wireless carrier, except a  
9 wireless carrier whose users have no 911 service, shall report to the  
10 commission on a quarterly basis for each county in a manner prescribed by  
11 the commission the following information: (a) The number of telephone  
12 numbers or functional equivalents served; (b) the number of telephone  
13 numbers or functional equivalents from which it has collected surcharge  
14 revenue; (c) the number of wireless towers by county; and (d) the current  
15 implementation status of enhanced wireless 911 service in each county  
16 served by that wireless carrier.

17           (3) The wireless carrier shall maintain all records required by this  
18 section, records of the amounts collected pursuant to section 86-457, and  
19 remittance records for a period of five years after the date of  
20 remittance to the fund. The commission may require an audit of any  
21 wireless carrier's books and records concerning the collection and  
22 remittance of any amounts collected pursuant to the Enhanced Wireless 911  
23 Services Act. The costs of any audit required by the commission shall, at  
24 the commission's discretion, be paid by the audited wireless carrier. A  
25 wireless carrier shall not be required to pay for more than one  
26 remittance audit or more than one collection audit per year, unless the  
27 commission orders subsequent audits for good cause.

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

30           (5) Each wireless carrier shall comply with this section regardless  
31 of whether the wireless carrier receives reimbursement from the fund.

1 Wireless carriers failing to comply with this section may be  
2 administratively fined by the commission pursuant to section 75-156.

3 Sec. 5. Section 86-462, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 86-462 (1) The advisory board shall make recommendations to the  
6 commission regarding the implementation of the Enhanced Wireless 911  
7 Services Act, including:

8 (a) The allocation of funds from the ~~Enhanced Wireless 911 Service~~  
9 System Fund as specified in section 86-465;

10 (b) Rules and regulations necessary to carry out the act;

11 (c) Any adjustments in the surcharge amount to recommend to the  
12 Legislature; and

13 (d) The resolution of any disputes between public safety answering  
14 points and wireless carriers.

15 (2) The commission may approve and implement any recommendations of  
16 the advisory board.

17 Sec. 6. Section 86-465, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 86-465 (1) The commission shall, in consultation with the advisory  
20 board:

21 (a) Determine the costs to implement wireless automatic location  
22 identification;

23 (b) Determine the level of funding needed to trigger disbursements  
24 pursuant to the Enhanced Wireless 911 Services Act;

25 (c) Determine the percentage of the 911 Service System Fund ~~fund~~ to  
26 be allocated to each funding purpose, including the percentage that shall  
27 be designated for funding 911 service under subdivision (2)(c) of this  
28 section;

29 (d) Determine how the funds distributed under subdivisions (2)(a)  
30 and (2)(c) of this section are to be allocated among the wireless  
31 carriers and the public safety answering points; and

1 (e) Establish a mechanism for determining the level of funding  
2 available to each public safety answering point and wireless carrier for  
3 costs determined to be eligible by the commission under subsection (2) of  
4 this section.

5 (2) The commission shall, in consultation with the advisory board,  
6 establish eligibility standards and criteria for ~~fund disbursement~~  
7 applications for disbursements from the 911 Service System Fund and  
8 standards and criteria concerning the level of fund disbursement for each  
9 application. In establishing such criteria and standards, the following  
10 purposes may be eligible for funding:

11 (a) Costs incurred or to be incurred by wireless carriers to  
12 implement enhanced wireless 911 service pursuant to a service agreement  
13 with a public safety answering point or pursuant to a request for service  
14 from a public safety answering point. Such costs may include, but not be  
15 limited to, the portion of the costs for new equipment used for providing  
16 enhanced wireless 911 service, costs to lease another vendor's equipment  
17 or services to provide enhanced wireless 911 service, costs to create or  
18 maintain any data base or data base elements used solely for enhanced  
19 wireless 911 service, and other costs of establishing enhanced wireless  
20 911 service. The portion of the costs of equipment or services used in  
21 the wireless carrier's main infrastructure resulting in revenue to the  
22 wireless carrier is not eligible for funding;

23 (b) Costs incurred or to be incurred by public safety answering  
24 points to implement enhanced wireless 911 service may include, but not be  
25 limited to, purchases of new equipment, costs of upgrades, modification  
26 and personnel training used solely to process the data elements of  
27 enhanced wireless 911 service, and maintenance costs and license fees for  
28 new equipment;

29 (c) Costs incurred or to be incurred by public safety answering  
30 points for the purchase, installation, maintenance, and operation of  
31 telecommunications equipment and telecommunications services required for

1 the provision of enhanced wireless 911 service; and

2 ~~(d) Costs associated with the conduct of a study regarding next-~~  
3 ~~generation 911 as required by section 86-471, including, but not limited~~  
4 ~~to, costs related to contracting with an independent third party for~~  
5 ~~purposes of conducting the study; and~~

6 (d) ~~(e)~~ Expenses incurred by members of the advisory board while  
7 performing duties required by the Enhanced Wireless 911 Services Act ~~act~~.

8 (3) A wireless carrier receiving funds from the ~~Enhanced Wireless~~  
9 911 Service System Fund shall not directly assess any of the costs  
10 associated with the implementation or provision of enhanced wireless 911  
11 service to any public safety answering point, county, or municipality  
12 without the express consent of the commission.

13 (4) The commission shall have any powers necessary to carry out the  
14 intent and purposes of the Enhanced Wireless 911 Services Act ~~act~~.

15 Sec. 7. Section 86-466, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 86-466 (1) A public safety answering point and wireless carrier may  
18 be compensated for costs determined by the commission to be eligible for  
19 funding. The level of funding available to each public safety answering  
20 point and wireless carrier for eligible cost compensation may be limited  
21 based upon the mechanism established by the commission pursuant to  
22 section 86-465. The commission is not required to provide compensation  
23 for costs to more than one public safety answering point in any county. A  
24 public safety answering point or wireless carrier may apply for  
25 disbursement from the ~~Enhanced Wireless 911 Service System Fund~~ by  
26 submitting a written application to the commission. The commission shall  
27 receive and review applications, including supporting documentation. The  
28 commission shall notify each applicant as to the commission's approval or  
29 disapproval of the application.

30 (2) Each entity that receives disbursements from the 911 Service  
31 System Fund ~~fund~~ shall make a full accounting of the money in a manner

1 and form prescribed by the commission.

2 Sec. 8. Section 86-468, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 86-468 The commission, governing bodies, and public safety agencies  
5 may provide enhanced wireless 911 service. In contracting for and  
6 providing such service, except for actions or inactions that constitute  
7 gross negligence or intentional wrongful failure to use reasonable care  
8 ~~or for intentional~~ acts, the commission, each governing body, each public  
9 safety agency, each wireless carrier, and their employees and agents  
10 shall be immune from liability or the payment of damages in the  
11 performance of installing, maintaining, or providing enhanced wireless  
12 911 service.

13 Sec. 9. Section 86-904, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 86-904 (1) Sellers shall remit collected prepaid wireless surcharges  
16 to the Department of Revenue at the times and in the manner provided in  
17 the Nebraska Revenue Act of 1967 with respect to sales tax. The  
18 department shall establish registration and payment procedures that  
19 substantially coincide with the registration and payment procedures that  
20 apply to sales tax.

21 (2) A seller shall be permitted to deduct and retain three percent  
22 of prepaid wireless surcharges that are collected by the seller from  
23 consumers.

24 (3) The audit and appeal procedures applicable to sales tax under  
25 the Nebraska Revenue Act of 1967 shall apply to prepaid wireless  
26 surcharges.

27 (4) The Department of Revenue shall establish procedures by which a  
28 seller of prepaid wireless telecommunications service may document that a  
29 sale is not a retail transaction, which procedures shall substantially  
30 coincide with the procedures for documenting sale for resale transactions  
31 for sales tax purposes.

1 (5) After deducting an amount, not to exceed two percent of charges,  
2 to be retained by the department to reimburse its direct costs of  
3 administering the collection and remittance of prepaid wireless  
4 surcharges, the department shall remit all collected prepaid wireless  
5 surcharges to the State Treasurer for credit to the ~~Enhanced Wireless~~ 911  
6 Service System Fund and the Nebraska Telecommunications Relay System Fund  
7 in the proportions that the respective corresponding components of the  
8 prepaid wireless surcharge under subsection (2) of section 86-903 bear to  
9 the total prepaid wireless surcharge.

10 Sec. 10. Section 86-1001, Revised Statutes Cumulative Supplement,  
11 2016, is amended to read:

12 86-1001 Sections 86-1001 to 86-1029 and sections 12, 13, and 16 to  
13 18 of this act ~~86-1030~~ shall be known and may be cited as the 911 Service  
14 System Act.

15 Sec. 11. Section 86-1004, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 86-1004 For purposes of the 911 Service System Act, the definitions  
18 found in sections 86-1005 to 86-1024 and section 12 of this act apply.

19 Sec. 12. Committee means the 911 Service System Advisory Committee.

20 Sec. 13. (1) The 911 Service System Advisory Committee is created.  
21 The committee shall advise the commission concerning the implementation,  
22 coordination, operation, management, maintenance, and funding of the 911  
23 service system and provide input on technical training and quality  
24 assurance. The state 911 director and the Chief Information Officer or  
25 his or her designee shall serve as ex officio members. The committee  
26 shall include the following individuals appointed by the commission:

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

31 (b) Two county officials or employees;

1           (c) Two municipal officials or employees;

2           (d) Two representatives of the telecommunications industry;

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

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

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

9           (2) Of the fourteen appointed members of the committee described in  
10 subdivisions (1)(a) through (g) of this section, at least four members  
11 shall be appointed from each of the three congressional districts. The  
12 appointed members of the committee shall serve for terms of three years.  
13 A vacancy shall be filled for the remainder of the unexpired term. The  
14 committee shall annually select a chairperson and vice-chairperson and  
15 meet as often as necessary to carry out its duties. Members of the  
16 committee shall be reimbursed for their actual and necessary expenses as  
17 provided in sections 81-1174 to 81-1177.

18           (3) The committee shall make any recommendations to the commission  
19 regarding the exercise of the commission's duties administering the 911  
20 service system pursuant to section 86-1025, including recommending the  
21 adoption and promulgation of any rules and regulations necessary to carry  
22 out the purposes of the 911 Service System Act or the introduction of any  
23 legislation. The commission may consider and implement any such  
24 recommendations.

25           Sec. 14. Section 86-1025, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27           86-1025 The commission shall:

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

30           (2) Be responsible for statewide planning, implementation,  
31 coordination, funding assistance, deployment, and management and

1 maintenance of the 911 service system to ensure that coordinated 911  
2 service is provided to all residents of the state at a consistent level  
3 of service in a cost-effective manner;

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

8 ~~(4) Be responsible for consulting with and seeking advice and~~  
9 ~~assistance from stakeholders, including:~~

10 ~~(a) Public safety answering points;~~

11 ~~(b) Public safety agencies;~~

12 ~~(c) Originating service providers, including at least one~~  
13 ~~representative from each of the following: A wireline local exchange~~  
14 ~~service provider, a wireless provider, and an interconnected voice over~~  
15 ~~Internet protocol service provider;~~

16 ~~(d) Municipal and county officials; and~~

17 ~~(e) The Chief Information Officer.~~

18 (4) Appoint the members of the committee and act on the committee's  
19 recommendations as provided in section 13 of this act; and

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

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

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

1 eligible for funding:

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

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

12 Sec. 15. Section 86-1026, Revised Statutes Cumulative Supplement,  
13 2016, is amended to read:

14 86-1026 The commission shall appoint a state 911 director to manage  
15 the department established within the commission for the 911 service  
16 system. The commission shall ensure that the department has all necessary  
17 staffing and resources. The commission may retain contracted experts or  
18 consultants who may be required for the administration of the 911 Service  
19 System Act. ~~The commission and the state 911 director shall establish an~~  
20 ~~advisory committee to provide input on technical training, quality~~  
21 ~~assurance, funding, and operation and maintenance of the 911 service~~  
22 ~~system. Advisory committee members shall be approved by the commission.~~

23 Sec. 16. The commission may apply for any federal or other funds  
24 available for next-generation 911 service and may distribute such federal  
25 funds consistent with federal law and other funds consistent with the  
26 directives, purposes, or conditions of such other funds. Except for  
27 intentional acts, the commission shall be immune from liability or the  
28 payment of damages in applying for any such federal funds. The state 911  
29 director shall be the designated single point of contact for any federal  
30 911 grant program pursuant to 7 C.F.R. part 3015, subpart V, as such  
31 regulation existed on January 1, 2018, or any related federal law or

1 regulation.

2       Sec. 17. Any person involved in the provision of next-generation  
3 911 service who: (1) Receives, develops, collects, or processes  
4 information for any 911 data base; (2) provides local exchange,  
5 interexchange, or transport service in connection with any next-  
6 generation 911 service; (3) relays, transfers, operates, maintains, or  
7 provides next-generation 911 service or systems capabilities; or (4)  
8 provides next-generation 911 communications service for emergency service  
9 providers shall, except for actions or inactions that constitute gross  
10 negligence or intentional wrongful acts, be immune from liability or the  
11 payment of damages in the performance of installing, maintaining, or  
12 providing next-generation 911 service.

13       Sec. 18. The commission shall adopt and promulgate rules and  
14 regulations necessary to carry out the 911 Service System Act.

15       Sec. 19. Section 86-1027, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17       86-1027 (1) The commission and the state 911 director shall develop  
18 and prepare a plan for a 911 service system, to be approved by the  
19 commission, and to be implemented by the commission and the state 911  
20 director on or after July 1, 2018. The commission shall hold at least two  
21 public hearings on the plan: One hearing at least ninety days prior to  
22 the adoption of the plan; and one hearing at least thirty days prior to  
23 the adoption of the plan. The commission shall present the adopted plan  
24 to the Appropriations Committee of the Legislature and the Transportation  
25 and Telecommunications Committee of the Legislature no later than  
26 December 1, 2017. The state 911 director, with the approval of the  
27 commission, shall prepare and provide a report to the Appropriations  
28 Committee and the Transportation and Telecommunications Committee on the  
29 progress of the development of the plan no later than February 1, 2017.  
30 The report shall be submitted electronically.

31       (2) The plan adopted by the commission shall, at a minimum, detail

1 the following:

2 (a) The costs associated with the implementation and estimated  
3 ongoing operation and maintenance of the 911 service system. The  
4 discussion of costs shall detail which costs the commission determines  
5 should be paid from ~~the Enhanced Wireless 911 Fund~~ and the 911 Service  
6 System Fund, which costs would be the obligation of local governing  
7 bodies, and how the proposed costs represent a cost-effective plan;

8 (b) Recommendations to the Legislature for cost recovery for the  
9 implementation, operation, and maintenance of the 911 service system;

10 (c) The commission's proposal for carrying out its role as  
11 coordinator of the 911 service system;

12 (d) A recommendation of the number of public safety answering points  
13 that should be maintained in the state that are capable of next-  
14 generation 911 service; and

15 (e) Recommendations for any additional legislation required to  
16 implement the 911 service system.

17 Sec. 20. Section 86-1028, Revised Statutes Cumulative Supplement,  
18 2016, is amended to read:

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

29 (2) The fund shall not be subject to any fiscal-year limitation or  
30 lapse provision of unexpended balance at the end of any fiscal year or  
31 biennium. Any money in the fund available for investment shall be

1 invested by the state investment officer pursuant to the Nebraska Capital  
2 Expansion Act and the Nebraska State Funds Investment Act, and for the  
3 period July 1, 2017, through June 30, 2019, any interest earned by the  
4 fund shall be credited to the General Fund.

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

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

16 Sec. 21. Original sections 86-441, 86-442, 86-459, 86-462, 86-465,  
17 86-466, 86-468, and 86-904, Reissue Revised Statutes of Nebraska, and  
18 sections 86-458, 86-1001, 86-1004, 86-1025, 86-1026, 86-1027, and  
19 86-1028, Revised Statutes Cumulative Supplement, 2016, are repealed.

20 Sec. 22. The following sections are outright repealed: Sections  
21 86-443.01 and 86-471, Reissue Revised Statutes of Nebraska, section  
22 86-1030, Revised Statutes Cumulative Supplement, 2016, and section  
23 86-463, Revised Statutes Supplement, 2017.

24 Sec. 23. Since an emergency exists, this act takes effect when  
25 passed and approved according to law.