

AMENDMENTS TO LB938

Introduced by Smith, 14.

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

3 Section 1. Sections 1 to 31 of this act shall be known and may be
4 cited as the 911 Service System Act.

5 Sec. 2. The purpose of the 911 Service System Act is to establish
6 the Public Service Commission as the statewide implementation and
7 coordinating authority to plan, implement, coordinate, manage, maintain,
8 and provide funding assistance for a 911 service system consistent and
9 compatible with national public safety standards advanced by recognized
10 standards and development organizations.

11 Sec. 3. It is the intent of the Legislature that:

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

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

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

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

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

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

1 answering points;

2 (7) The express authority granted to the commission to implement the
3 911 Service System Act not be deemed to supersede or otherwise modify
4 section 86-124 or to provide the commission with any additional authority
5 not provided by law, including, but not limited to, regulatory authority
6 over originating service providers; and

7 (8) Except as specifically provided in the 911 Service System Act,
8 nothing in the 911 Service System Act be deemed to supersede or modify
9 any commission authority provided by law or any commission order, rule,
10 or regulation.

11 Sec. 4. For purposes of the 911 Service System Act, the definitions
12 found in sections 5 to 24 of this act apply.

13 Sec. 5. Basic 911 service means an emergency telephone system which
14 automatically connects a 911 call to a designated public safety answering
15 point.

16 Sec. 6. Commission means the Public Service Commission.

17 Sec. 7. Emergency services means the provision through a public
18 safety agency of firefighting, law enforcement, ambulance, emergency,
19 medical, or other public emergency services, as determined by a local
20 governing body, to respond to and manage emergency incidents.

21 Sec. 8. Enhanced-911 service has the same meaning as in section
22 86-425.

23 Sec. 9. Enhanced wireless 911 service has the same meaning as in
24 section 86-448.

25 Sec. 10. Interconnected voice over Internet protocol service means
26 an interconnected voice over Internet protocol service as defined in 47
27 C.F.R. part 9, as such regulations existed on January 1, 2016.

28 Sec. 11. Internet protocol means the method by which data is sent
29 from one computer to another on the Internet or other networks.

30 Sec. 12. Internet protocol-enabled service means any service,
31 capability, functionality, or application provided using Internet

1 protocol, or any successor protocol, that enables a service user to send
2 or receive a communication in Internet protocol format including, but not
3 limited to, voice, data, or video.

4 Sec. 13. Local governing body means a county board, city council of
5 a city, board of trustees of a village, board of directors of any rural
6 or suburban fire protection district, or any governing body of an entity
7 created pursuant to the Interlocal Cooperation Act or the Joint Public
8 Agency Act.

9 Sec. 14. Network means (1) a legacy telecommunications network that
10 supports basic 911 service and enhanced-911 service or (2) a managed
11 Internet protocol network that is used for 911 calls, that can be shared
12 by all public safety answering points, and that provides the Internet
13 protocol transport infrastructure upon which independent application
14 platforms and core functional processes can be deployed, including, but
15 not limited to, those necessary for providing next-generation 911 service
16 capability. A network may be constructed from a mix of dedicated and
17 shared facilities and may be interconnected at local, regional, state,
18 national, and international levels.

19 Sec. 15. Next-generation 911 means an Internet protocol-based
20 system (1) comprised of networks, functional elements, and data bases
21 that replicate basic 911 service and enhanced-911 service features and
22 functions and provide additional capabilities and (2) designed to provide
23 access to emergency services from all connected communications sources
24 and to provide multimedia data capabilities for public safety answering
25 points and other emergency services organizations.

26 Sec. 16. Next-generation 911 service means 911 service using in
27 whole or in part next-generation 911.

28 Sec. 17. 911 call means any form of communication requesting any
29 type of emergency services by contacting a public safety answering point,
30 including voice or nonvoice communications as well as transmission of any
31 analog or digital data. 911 call includes a voice call, video call, text

1 message, or data-only call.

2 Sec. 18. 911 service means the service a public safety answering
3 point uses to receive and process 911 calls over a 911 service system.

4 Sec. 19. 911 service system means a coordinated system of
5 technologies, software applications, data bases, customer-premise
6 equipment components, and operations and management procedures used to
7 provide 911 service through the operation of an efficient and effective
8 network for accepting, processing, and delivering 911 calls to a public
9 safety answering point, including, but not limited to, basic 911 service,
10 enhanced-911 service, enhanced wireless 911 service, next-generation 911
11 service, and any emerging technologies, networks, and systems that allow
12 access to 911 service.

13 Sec. 20. Originating service provider means an entity that provides
14 the capability for customers to originate 911 calls to public safety
15 answering points.

16 Sec. 21. Public safety agency means an agency which provides
17 emergency services.

18 Sec. 22. Public safety answering point means a local governmental
19 entity responsible for receiving 911 calls and processing those calls
20 according to a specific operational policy.

21 Sec. 23. Service user means any person who initiates a 911 call to
22 receive emergency services.

23 Sec. 24. Stakeholder means a public safety answering point, a
24 public safety agency, and any person, organization, agency of government,
25 originating service provider, or other organization that has a vital
26 interest in the 911 service system.

27 Sec. 25. 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 Sec. 26. The commission shall appoint a state 911 director to
19 manage the department established within the commission for the 911
20 service system. The commission shall ensure that the department has all
21 necessary staffing and resources. The commission may retain contracted
22 experts or consultants who may be required for the administration of the
23 911 Service System Act. The commission and the state 911 director shall
24 establish an advisory committee to provide input on technical training,
25 quality assurance, funding, and operation and maintenance of the 911
26 service system. Advisory committee members shall be approved by the
27 commission.

28 Sec. 27. (1) The commission and the state 911 director shall
29 develop and prepare a plan for a 911 service system, to be approved by
30 the commission, and to be implemented by the commission and the state 911
31 director on or after July 1, 2018. The commission shall hold at least two

1 public hearings on the plan: One hearing at least ninety days prior to
2 the adoption of the plan; and one hearing at least thirty days prior to
3 the adoption of the plan. The commission shall present the adopted plan
4 to the Appropriations Committee of the Legislature and the Transportation
5 and Telecommunications Committee of the Legislature no later than
6 December 1, 2017. The state 911 director, with the approval of the
7 commission, shall prepare and provide a report to the Appropriations
8 Committee and the Transportation and Telecommunications Committee on the
9 progress of the development of the plan no later than February 1, 2017.
10 The report shall be submitted electronically.

11 (2) The plan adopted by the commission shall, at a minimum, detail
12 the following:

13 (a) The costs associated with the implementation and estimated
14 ongoing operation and maintenance of the 911 service system. The
15 discussion of costs shall detail which costs the commission determines
16 should be paid from the Enhanced Wireless 911 Fund and the 911 Service
17 System Fund, which costs would be the obligation of local governing
18 bodies, and how the proposed costs represent a cost-effective plan;

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

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

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

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

28 Sec. 28. The 911 Service System Fund is created. The fund shall
29 consist of money transferred from the Enhanced Wireless 911 Fund, any
30 federal funds received for implementation and development of 911 service,
31 and any other money designated for credit to the 911 Service System Fund.

1 The fund shall be used for the costs of administering the fund and for
2 the purposes specified in the 911 Service System Act. The fund shall not
3 be subject to any fiscal-year limitation or lapse provision of unexpended
4 balance at the end of any fiscal year or biennium. Any money in the fund
5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
7 State Funds Investment Act.

8 Sec. 29. The Public Service Commission, consistent with requirements
9 established by the Federal Communications Commission, shall require each
10 public safety answering point receiving funding pursuant to the Enhanced
11 Wireless 911 Services Act and the 911 Service System Act to obtain live
12 call data from any wireless carrier operating within the jurisdiction of
13 such public safety answering point. The Public Service Commission shall
14 assist the public safety answering point in determining wireless carrier
15 compliance with the wireless E-911 location accuracy requirements
16 established by the Federal Communications Commission. The Public Service
17 Commission shall, when requested by a public safety answering point,
18 assist such public safety answering point in pursuing an enforcement
19 proceeding with the Federal Communications Commission against any
20 wireless carrier not in compliance with federal requirements.

21 Sec. 30. The express authority granted to the commission to
22 implement the 911 Service System Act shall not be deemed to supersede or
23 otherwise modify section 86-124 or to provide the commission with any
24 additional authority not provided by law, including, but not limited to,
25 regulatory authority over originating service providers.

26 Sec. 31. The 911 Service System Act terminates on June 30, 2018.

27 Sec. 32. Section 86-163, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 86-163 The commission shall file with the Clerk of the Legislature
30 an annual report on or before September 30 of each year on the status of
31 the Nebraska telecommunications industry. The report shall be submitted

1 in electronic format. The report shall:

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

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

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

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

9 (5) Describe the availability and location of 911 service and E-911
10 service as required by section 86-437;

11 (6) Describe the availability and location of wireless 911 service
12 or enhanced wireless 911 service as required by section 86-460;

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

15 (8) Address the funding level of the Nebraska Competitive Telephone
16 Marketplace Fund and an accounting of commission expenses related to its
17 duties under section 86-127; and -

18 (9) Assess the level of wireless location accuracy compliance for
19 wireless carriers.

20 Sec. 33. Section 86-458, Reissue Revised Statutes of Nebraska, is
21 amended to read:

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

28 Sec. 34. Section 86-463, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 86-463 The Enhanced Wireless 911 Fund is created. The fund shall
31 consist of the surcharges credited to the fund, any money appropriated by

1 the Legislature, any federal funds received for wireless emergency
2 communication except as otherwise provided in section 28 of this act, and
3 any other funds designated for credit to the fund. Money in the fund
4 shall be used for the costs of administering the fund and the purposes
5 specified in section 86-465 unless otherwise directed by federal law with
6 respect to any federal funds. Money shall be transferred from the fund to
7 the 911 Service System Fund at the direction of the Legislature. The
8 costs of administering the Enhanced Wireless 911 Fund ~~fund~~ shall be kept
9 to a minimum. The money in the Enhanced Wireless 911 Fund ~~fund~~ shall not
10 be subject to any fiscal-year limitation or lapse provision of unexpended
11 balance at the end of any fiscal year or biennium. ~~Interest accruing to~~
12 ~~the fund from invested fund balances may be transferred to the General~~
13 ~~Fund at the direction of the Legislature through June 30, 2010.~~ Any money
14 in the Enhanced Wireless 911 Fund available for investment shall be
15 invested by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act.

17 Sec. 35. Original sections 86-163, 86-458, and 86-463, Reissue
18 Revised Statutes of Nebraska, are repealed.