

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 938

FINAL READING

Introduced by Smith, 14.

Read first time January 13, 2016

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to telecommunications; to amend sections
2 86-163, 86-458, and 86-463, Reissue Revised Statutes of Nebraska; to
3 adopt the 911 Service System Act; to change a reporting requirement;
4 to provide for the transfer of funds; to remove obsolete provisions;
5 to harmonize provisions; to repeal the original sections; and to
6 declare an emergency.

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

1 Section 1. Sections 1 to 30 of this act shall be known and may be
2 cited as the 911 Service System Act.

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

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

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

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

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

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

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

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

27 (7) The express authority granted to the commission to implement the
28 911 Service System Act not be deemed to supersede or otherwise modify
29 section 86-124 or to provide the commission with any additional authority
30 not provided by law existing on the effective date of this act,
31 including, but not limited to, regulatory authority over originating

1 service providers; and

2 (8) Except as specifically provided in the 911 Service System Act,
3 nothing in the 911 Service System Act be deemed to supersede or modify
4 any commission authority provided by law or any commission order, rule,
5 or regulation existing on the effective date of this act.

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

8 Sec. 5. Basic 911 service means an emergency telephone system which
9 automatically connects a 911 call to a designated public safety answering
10 point.

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

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

16 Sec. 8. Enhanced-911 service has the same meaning as in section
17 86-425.

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

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

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

25 Sec. 12. Internet protocol-enabled service means any service,
26 capability, functionality, or application provided using Internet
27 protocol, or any successor protocol, that enables a service user to send
28 or receive a communication in Internet protocol format including, but not
29 limited to, voice, data, or video.

30 Sec. 13. Local governing body means a county board, city council of
31 a city, board of trustees of a village, board of directors of any rural

1 or suburban fire protection district, or any governing body of an entity
2 created pursuant to the Interlocal Cooperation Act or the Joint Public
3 Agency Act.

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

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

21 Sec. 16. Next-generation 911 service means 911 service using in
22 whole or in part next-generation 911.

23 Sec. 17. 911 call means any form of communication requesting any
24 type of emergency services by contacting a public safety answering point,
25 including voice or nonvoice communications as well as transmission of any
26 analog or digital data. 911 call includes a voice call, video call, text
27 message, or data-only call.

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

30 Sec. 19. 911 service system means a coordinated system of
31 technologies, software applications, data bases, customer-premise

1 equipment components, and operations and management procedures used to
2 provide 911 service through the operation of an efficient and effective
3 network for accepting, processing, and delivering 911 calls to a public
4 safety answering point, including, but not limited to, basic 911 service,
5 enhanced-911 service, enhanced wireless 911 service, next-generation 911
6 service, and any emerging technologies, networks, and systems that allow
7 access to 911 service.

8 Sec. 20. Originating service provider means an entity that provides
9 the capability for customers to originate 911 calls to public safety
10 answering points.

11 Sec. 21. Public safety agency means an agency which provides
12 emergency services.

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

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

22 Sec. 25. The commission shall:

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

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

30 (3) Be responsible for establishing mandatory and uniform technical
31 and training standards applicable to public safety answering points and

1 adopting and promulgating rules and regulations applicable to public
2 safety answering points for quality assurance standards; and

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

5 (a) Public safety answering points;

6 (b) Public safety agencies;

7 (c) Originating service providers, including at least one
8 representative from each of the following: A wireline local exchange
9 service provider, a wireless provider, and an interconnected voice over
10 Internet protocol service provider;

11 (d) Municipal and county officials; and

12 (e) The Chief Information Officer.

13 Sec. 26. The commission shall appoint a state 911 director to
14 manage the department established within the commission for the 911
15 service system. The commission shall ensure that the department has all
16 necessary staffing and resources. The commission may retain contracted
17 experts or consultants who may be required for the administration of the
18 911 Service System Act. The commission and the state 911 director shall
19 establish an advisory committee to provide input on technical training,
20 quality assurance, funding, and operation and maintenance of the 911
21 service system. Advisory committee members shall be approved by the
22 commission.

23 Sec. 27. (1) The commission and the state 911 director shall
24 develop and prepare a plan for a 911 service system, to be approved by
25 the commission, and to be implemented by the commission and the state 911
26 director on or after July 1, 2018. The commission shall hold at least two
27 public hearings on the plan: One hearing at least ninety days prior to
28 the adoption of the plan; and one hearing at least thirty days prior to
29 the adoption of the plan. The commission shall present the adopted plan
30 to the Appropriations Committee of the Legislature and the Transportation
31 and Telecommunications Committee of the Legislature no later than

1 December 1, 2017. The state 911 director, with the approval of the
2 commission, shall prepare and provide a report to the Appropriations
3 Committee and the Transportation and Telecommunications Committee on the
4 progress of the development of the plan no later than February 1, 2017.
5 The report shall be submitted electronically.

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

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

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

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

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

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

23 Sec. 28. The 911 Service System Fund is created. The fund shall
24 consist of money transferred from the Enhanced Wireless 911 Fund, any
25 federal funds received for implementation and development of 911 service,
26 and any other money designated for credit to the 911 Service System Fund.
27 The fund shall be used for the costs of administering the fund and for
28 the purposes specified in the 911 Service System Act. The fund shall not
29 be subject to any fiscal-year limitation or lapse provision of unexpended
30 balance at the end of any fiscal year or biennium. Any money in the fund
31 available for investment shall be invested by the state investment

1 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
2 State Funds Investment Act.

3 Sec. 29. The express authority granted to the commission to
4 implement the 911 Service System Act shall not be deemed to supersede or
5 otherwise modify section 86-124 or to provide the commission with any
6 additional authority not provided by law existing on the effective date
7 of this act, including, but not limited to, regulatory authority over
8 originating service providers.

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

10 Sec. 31. Section 86-163, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 86-163 The commission shall file with the Clerk of the Legislature
13 an annual report on or before September 30 of each year on the status of
14 the Nebraska telecommunications industry. The report shall be submitted
15 in electronic format. The report shall:

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

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

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

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

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

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

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

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

1 (9) Assess, based on information provided by public safety answering
2 points, the level of wireless E-911 location accuracy compliance for
3 wireless carriers.

4 Sec. 32. Section 86-458, Reissue Revised Statutes of Nebraska, is
5 amended to read:

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

12 Sec. 33. Section 86-463, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 86-463 The Enhanced Wireless 911 Fund is created. The fund shall
15 consist of the surcharges credited to the fund, any money appropriated by
16 the Legislature, any federal funds received for wireless emergency
17 communication except as otherwise provided in section 28 of this act, and
18 any other funds designated for credit to the fund. Money in the fund
19 shall be used for the costs of administering the fund and the purposes
20 specified in section 86-465 unless otherwise directed by federal law with
21 respect to any federal funds. Money shall be transferred from the fund to
the 911 Service System Fund at the direction of the Legislature. Within
five days after the effective date of this act, the State Treasurer shall
transfer two million one hundred thirty-eight thousand three hundred
thirty-seven dollars from the Enhanced Wireless 911 Fund to the 911
Service System Fund. On or before July 5, 2017, the State Treasurer shall
transfer one million nine hundred eighty-eight thousand seven hundred
ninety dollars from the Enhanced Wireless 911 Fund to the 911 Service
System Fund. The costs of administering the Enhanced Wireless 911 Fund
fund shall be kept to a minimum. The money in the Enhanced Wireless 911
Fund fund shall not be subject to any fiscal-year limitation or lapse

1 provision of unexpended balance at the end of any fiscal year or
2 biennium. ~~Interest accruing to the fund from invested fund balances may~~
3 ~~be transferred to the General Fund at the direction of the Legislature~~
4 ~~through June 30, 2010.~~ Any money in the Enhanced Wireless 911 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. 34. Original sections 86-163, 86-458, and 86-463, Reissue
9 Revised Statutes of Nebraska, are repealed.

10 Sec. 35. Since an emergency exists, this act takes effect when
11 passed and approved according to law.