

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 938

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 86-458 and 86-463, Reissue Revised Statutes of Nebraska; to adopt
3 the 911 Service System Act; to provide for the transfer of funds; to
4 remove obsolete provisions; to harmonize provisions; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 31 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 statewide 911 service system, which
7 includes the implementation of statewide next-generation 911 service
8 capability.

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 statewide 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;

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; and

24 (6) The commission adopt statewide uniform standards for technical
25 support, training efficiency, and quality assurance for 911 service.

26 Sec. 4. For purposes of the 911 Service System Act, unless the
27 context otherwise requires, the definitions found in sections 5 to 27 of
28 this act apply.

29 Sec. 5. Automatic location identification means the automatic
30 display at the public safety answering point of the service user's
31 telephone number, the address and location of the telephone, and

1 supplementary emergency services information of the location from which a
2 911 call originates.

3 Sec. 6. Automatic number identification means the automatic display
4 of the telephone number associated with the access line from which a 911
5 call originates.

6 Sec. 7. Basic 911 means an emergency telephone system which
7 automatically connects 911 callers to a designated answering point and in
8 which call routing is determined by the originating central office only.
9 Basic 911 may or may not support automatic location identification or
10 automatic number identification.

11 Sec. 8. Commission means the Public Service Commission.

12 Sec. 9. 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. 10. Enhanced-911 service has the same meaning as in section
17 86-425.

18 Sec. 11. Enhanced wireless 911 service has the same meaning as in
19 section 86-448.

20 Sec. 12. Geographic information system means a system for
21 capturing, storing, displaying, analyzing, and managing data and
22 associated attributes which are spatially referenced.

23 Sec. 13. Interconnected voice over Internet protocol service means
24 an interconnected voice over Internet protocol service as defined in 47
25 C.F.R. part 9, as such regulations existed on January 1, 2016.

26 Sec. 14. Internet protocol means the method by which data is sent
27 from one computer to another on the Internet or other networks.

28 Sec. 15. Local governing body means a county board, city council of
29 a city, board of trustees of a village, or board of directors of any
30 rural or suburban fire protection district.

31 Sec. 16. Network means a managed Internet protocol network that is

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

9 Sec. 17. Next-generation 911 means an Internet protocol-based
10 system (1) comprised of networks, functional elements, and databases that
11 replicate traditional 911 features and functions and provide additional
12 capabilities and (2) designed to provide access to emergency services
13 from all connected communications sources and to provide multimedia data
14 capabilities for public safety answering points and other emergency
15 service organizations.

16 Sec. 18. Next-generation 911 service means 911 service using in
17 whole or in part next-generation 911.

18 Sec. 19. 911 call means any form of communication requesting any
19 type of emergency services by contacting a public safety answering point,
20 including voice or nonvoice communications as well as transmission of any
21 analog or digital data. 911 call includes a voice call, video call, text
22 message, or data-only call.

23 Sec. 20. 911 service means a service which provides a service user
24 the ability to make a 911 call over a 911 service system to access
25 emergency services.

26 Sec. 21. 911 service provider means any person providing the
27 infrastructure, network, applications, or other service necessary for the
28 public to access 911 service, including a local exchange carrier, a
29 wireless carrier, a provider as defined in section 86-902, an
30 interconnected voice over Internet protocol service provider, and any
31 other provider that enables a service user to access 911 service.

1 Sec. 22. 911 service system means a coordinated system of
2 technologies, software applications, databases, customer-premise
3 equipment components, and operations and management procedures used by a
4 collaborative group of people and entities to provide 911 service through
5 the operation of an efficient and effective network for accepting,
6 processing, and delivering 911 calls to a public safety answering point
7 to access emergency services, including, but not limited to, basic 911,
8 enhanced 911 service, enhanced wireless 911 service, next-generation 911
9 service, and emerging technologies that allow the public to access 911
10 service.

11 Sec. 23. Public safety agency means an agency which provides
12 emergency services.

13 Sec. 24. 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. 25. Service user means any person who initiates a 911 call to
17 receive emergency services in this state.

18 Sec. 26. Stakeholder means a public safety answering point, a
19 public safety agency, and any person, organization, agency of government,
20 or other organization that has a vital interest in the 911 service
21 system.

22 Sec. 27. Text-to-911 means sending a text message to a public
23 safety answering point to receive emergency services.

24 Sec. 28. The commission shall:

25 (1) Serve as the coordinating authority for the implementation of
26 statewide 911 service system, including, but not limited to, basic 911,
27 enhanced-911 service, enhanced wireless 911 service, next-generation 911
28 service, and any other emerging technologies, networks, and systems that
29 allow the public to access 911 service;

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

1 maintenance of the statewide 911 service system to ensure that
2 coordinated 911 service is provided to all residents of the state at a
3 consistent level of service;

4 (3) Be responsible for establishing mandatory and uniform technical
5 and training standards and adopting and promulgating rules and
6 regulations for quality assurance standards governing the operation and
7 maintenance of the statewide 911 service system; 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) Municipal and county officials; and

13 (d) The Chief Information Officer.

14 Sec. 29. The commission shall appoint a state 911 director to
15 manage the department established within the commission for the statewide
16 911 service system and to administer the 911 Service System Act. The
17 state 911 director shall be responsible for hiring all necessary staff
18 and retaining contracted experts or consultants, with the consent of the
19 commission, who may be required for the administration of the act. The
20 state 911 director shall establish an advisory committee to provide input
21 on technical training, quality assurance, funding, and operation and
22 maintenance of the statewide 911 service system. Advisory committee
23 members shall be approved by the commission.

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

1 2017. The state 911 director, with the approval of the commission, shall
2 prepare and provide a report to the Appropriations Committee and the
3 Transportation and Telecommunications Committee on the progress of the
4 development of the plan no later than February 1, 2017. The report shall
5 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 statewide 911 service system.
10 The discussion of costs shall detail which costs the commission
11 determines should be paid from the 911 Service System Fund and the
12 Enhanced Wireless 911 Fund and which costs would be the obligation of
13 local governing bodies;

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

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

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

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

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

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

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 31 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
22 the 911 Service System Fund at the direction of the Legislature. The
23 costs of administering the Enhanced Wireless 911 Fund ~~fund~~ shall be kept
24 to a minimum. The money in the Enhanced Wireless 911 Fund ~~fund~~ shall not
25 be subject to any fiscal-year limitation or lapse provision of unexpended
26 balance at the end of any fiscal year or biennium. ~~Interest accruing to~~
27 ~~the fund from invested fund balances may be transferred to the General~~
28 ~~Fund at the direction of the Legislature through June 30, 2010.~~ Any money
29 in the Enhanced Wireless 911 Fund available for investment shall be
30 invested by the state investment officer pursuant to the Nebraska Capital
31 Expansion Act and the Nebraska State Funds Investment Act.

1 Sec. 34. Original sections 86-458 and 86-463, Reissue Revised
2 Statutes of Nebraska, are repealed.