

**ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018**  
**COMMITTEE STATEMENT**  
**LB993**

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**Hearing Date:** Monday February 05, 2018  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Friesen  
**One Liner:** Create the 911 Service System Advisory Committee and change the 911 Service System Act and eliminate the act's termination date

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Curt Friesen  
Tim Schram  
Norm Weverka  
Carly Weyers  
Larry Dix  
Lash Chaffin  
Sharon Sinkler  
  
Neil Miller  
Jerry Stilmock  
Ann Prockish  
Gary Warren  
John Hansen  
Robert Tubbs

**Representing:**

District 34  
Nebraska Public Service Commission  
Omaha Association of the Deaf  
Nebraska Commission for Deaf and Hard of Hearing  
NACO  
League of Nebraska Municipalities  
Nebraska Association of the Deaf; Heartland Deaf  
Advocacy Services  
Nebraska Sheriff's Association  
NE State Vol. Firefighters Assn; NE Fire Chief's Assn  
CenturyLink/NTA  
Hamilton Telecommunications  
Nebraska Farmers Union  
Nebraska Assn of 911 Managers Group/NESCA

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

This bill amends provisions of the 911 Service System Act by creating an Advisory Committee, providing responsibilities for the Committee, determining how expenditures are made from the 911 Service System Fund, setting out standards of care for persons involved in the provision of next-generation 911 service, and repealing the prior Act's sunset date of June 30, 2018.

Section 4 creates the 911 Service System Advisory Committee. Members of the advisory committee, whose main function would be to advise the PSC with respect to the 911 system implementation, coordination, operation,

management, maintenance, and funding, would include fourteen members. Those members would include four representatives of public safety agencies, two county officials or employees, two city officials or employees, two representatives of the telecommunications industry, two managers of public service answering points, one representative of the Nebraska Association of County Officials, and one representative of the League of Nebraska Municipalities. The state 911 director and the Chief Information Officer or his or her designee would serve as ex officio members. Not counting the ex officio members, at least four members would be appointed from each of the three Nebraska congressional districts.

Section 5 amends current law relating to the PSC's current authority over the 911 service system. In particular, it allows the PSC to determine the level of funding and how to allocate funds to implement next-generation 911 service. Areas that may be eligible for funding include acquisition of new equipment and related maintenance costs and license fees, upgrades and modifications, delivering next-generation 911 core services, and training personnel used to provide 911 services. Costs incurred by governing bodies or public safety answering points could be eligible for reimbursement from the 911 Service System Fund.

Section 6 strikes a provision in current law that would no longer be necessary with the passage of Section 4 in the current bill.

Section 7 provides additional direction on how money in the 911 Service System Fund could be expended. Specifically, it provides that the PSC would not be required to provide money to more than one public safety answering point in any county.

Section 8 allows the PSC to apply for and expend federal funds available for next-generation 911 service. The state 911 director shall be the single point of contact for any federal 911 grant program.

Section 9 sets out the standard of care for persons involved in the provision of next-generation 911 services. It states that those persons shall be immune from liability or the payment of damages, except for failure to use reasonable care or for intentional acts, in the performance of installing, maintaining, or providing next-generation 911 service.

Section 10 allows the PSC to adopt and promulgate rules and regulations to carry out the provisions of the bill. Section 12 repeals the 911 Service System Act sunset date of June 30, 2012.

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### **Explanation of amendments:**

Committee Amendment AM 1908 strikes the original bill and creates a new version. It makes two major changes to the original bill.

The first change merges the Enhanced Wireless 911 Fund into the 911 Service System Fund. It changes references from the E-911 Fund to the 911 Service System Fund in Sections 86-458, 86-459, 86-462, 86-466, and 86-904, harmonizes provisions in Section 86-442, 86-465, 86-1027, and 86-1028, and outright repeals Sections 86-443.01 and 86-471.

The second portion of the amendment changes the negligence standard by striking "failure to use reasonable care or for intentional acts" and inserting "actions or inactions that constitute gross negligence or intentional wrongful acts" in Section 86-441, Section 86-468, and original Section 9 of the bill (now Section 17 of the amendment). Section 86-441 applies to governing bodies, public safety agencies, and service suppliers and their employees and agents in the provision of 911 service. Section 86-468 applies to the Public Service Commission, governing bodies, public safety agencies, wireless carriers, and their employees and agents in the provision of enhanced wireless 911 service. Section 9 of the bill (Section 17 of the amendment) applies to any person involved in the provision of next-generation 911 service who (1) receives, develops, collects, or processes information for any 911 data base; (2) provides local exchange, inter-exchange, or transport service in connection with any next-generation 911 service; (3) relays, transfers, operates, maintains, or provides next-generation 911 service or systems capabilities; or (4) provides next-generation 911 communications service for emergency service providers.

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Curt Friesen, Chairperson