

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 911

Introduced by Dubas, 34.

Read first time January 15, 2014

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to telecommunications and public safety systems;
2 to amend section 86-428, Reissue Revised Statutes of
3 Nebraska, section 86-463, Revised Statutes Cumulative
4 Supplement, 2012, and section 86-465, Revised Statutes
5 Supplement, 2013; to adopt the Nebraska 911 Act; to
6 define and redefine terms; to change the duties of the
7 Public Service Commission; to provide funding; to create
8 the Next-Generation 911 Advisory Council; to harmonize
9 provisions; to repeal the original sections; and to
10 declare an emergency.

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

1 Section 1. Sections 1 to 6 shall be known and may be
2 cited as the Nebraska 911 Act.

3 Sec. 2. The Legislature finds that:

4 (1) A robust and reliable statewide 911 system requires
5 the flexibility to respond to changes in technology, funding, and
6 local needs to meet the public's expectations of service;

7 (2) Existing statutory and funding structures do not
8 allow the necessary flexibility and must be modified; and

9 (3) Due to the complexity of making the transition,
10 incremental change is necessary with the understanding that based
11 upon the findings of the study conducted pursuant to section 86-471,
12 a subsequent act of the Legislature will be necessary to restructure
13 existing statutory and funding provisions related to the provision of
14 911 service.

15 Sec. 3. For purposes of the Nebraska 911 Act, the
16 following definitions apply:

17 (1) 911 service has the same meaning as in section
18 86-428;

19 (2) Next-generation 911 has the same meaning as in
20 section 86-450.01;

21 (3) Public safety answering point has the same meaning as
22 in section 86-431; and

23 (4) Public safety agency has the same meaning as in
24 section 86-408.

25 Sec. 4. It is the intent of the Legislature that the

1 Nebraska 911 Act shall provide for the planning for implementation of
2 next-generation 911 services based upon the findings of the study
3 conducted pursuant to section 86-471. The act is not intended to
4 fully fund the provision of 911 service in Nebraska.

5 Sec. 5. The Public Service Commission shall carry out the
6 purposes of the Nebraska 911 Act. The commission shall have the
7 authority to:

8 (1) Develop a plan for the implementation of next-
9 generation 911 services based upon the findings of the study
10 conducted pursuant to section 86-471; and

11 (2) Contract with any consultants in order to carry out
12 the purposes of the act.

13 Sec. 6. (1) The Next-Generation 911 Advisory Council is
14 created to advise the Public Service Commission concerning the
15 development of a plan for the implementation of next-generation 911
16 services. The council shall be composed of the following individuals
17 appointed by the Governor:

18 (a) The Chief Information Officer or his or her designee;

19 (b) One representative from the Nebraska Emergency
20 Management Agency;

21 (c) One representative from the Geographical Information
22 Systems Council of the Nebraska Information Technology Commission;

23 (d) One representative from a public safety answering
24 point providing service to a population of three hundred thousand
25 inhabitants or more;

1 (e) One representative from a public safety answering
2 point providing service to a population of one hundred thousand or
3 more inhabitants but less than three hundred thousand inhabitants;

4 (f) One representative from a public safety answering
5 point serving a population less than one hundred thousand
6 inhabitants;

7 (g) One representative of the Nebraska State Patrol; and

8 (h) One representative of the State Fire Marshal.

9 (2) The advisory council shall also include as an ex
10 officio member one commissioner from the Public Service Commission or
11 a commission designee.

12 (3) Members of the council as described in subdivisions
13 (1)(b) to (1)(h) of this section shall be appointed for a term of
14 three years. Each succeeding member of the council shall be appointed
15 for a term of three years. Members of the council shall meet as often
16 as necessary to carry out their duties. Members of the council shall
17 be reimbursed for their actual and necessary expenses as provided in
18 sections 81-1174 to 81-1177.

19 Sec. 7. Section 86-428, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 86-428 911 service means a telephone service or
22 functional equivalent which provides a service user with the ability
23 to reach a public safety answering point by dialing the digits 911
24 for the purpose of reporting emergencies. The level of technology to
25 be used for the provision of 911 service in a particular 911 service

1 area shall be determined by the governing bodies having jurisdiction
2 over such 911 service area.

3 Sec. 8. Section 86-463, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 86-463 The Enhanced Wireless 911 Fund is created. The
6 fund shall consist of the surcharges credited to the fund, any money
7 appropriated by the Legislature, any federal funds received for
8 wireless emergency communication, and any other funds designated for
9 credit to the fund. Money in the fund shall be used for the costs of
10 administering the fund and the purposes specified in section 86-465
11 and sections 5 and 6 of this act unless otherwise directed by federal
12 law with respect to any federal funds. The costs of administering the
13 fund shall be kept to a minimum. The money in the fund shall not be
14 subject to any fiscal-year limitation or lapse provision of
15 unexpended balance at the end of any fiscal year or biennium.
16 ~~Interest accruing to the fund from invested fund balances may be~~
17 ~~transferred to the General Fund at the direction of the Legislature~~
18 ~~through June 30, 2010.~~ Any money in the Enhanced Wireless 911 Fund
19 available for investment shall be invested by the state investment
20 officer pursuant to the Nebraska Capital Expansion Act and the
21 Nebraska State Funds Investment Act.

22 Sec. 9. Section 86-465, Revised Statutes Supplement,
23 2013, is amended to read:

24 86-465 (1) The commission shall, in consultation with the
25 advisory board:

1 ~~(a) Determine the costs to implement wireless automatic~~
2 ~~location identification;~~

3 ~~(b) Determine the level of funding needed to trigger~~
4 ~~disbursements pursuant to the Enhanced Wireless 911 Services Act;~~

5 ~~(c) Determine the percentage of the fund to be allocated~~
6 ~~to each funding purpose, including the percentage that shall be~~
7 ~~designated for funding 911 service under subdivision (2)(c) of this~~
8 ~~section;~~

9 ~~(d) Determine how the funds distributed under~~
10 ~~subdivisions (2)(a) and (2)(c) of this section are to be allocated~~
11 ~~among the wireless carriers and the public safety answering points;~~
12 ~~and~~

13 ~~(e)(a) Establish a mechanism for determining the level~~
14 ~~of funding available to each public safety answering point and~~
15 ~~wireless carrier for costs determined to be eligible by the~~
16 ~~commission under subsection (2) subdivision (b) of this section.~~
17 ~~subsection.~~

18 ~~(2) The commission shall, in consultation with the~~
19 ~~advisory board, establish (b) Establish eligibility standards and~~
20 ~~criteria for fund disbursement applications and standards and~~
21 ~~criteria concerning the level of fund disbursement for each~~
22 ~~application. In establishing such criteria and standards, the~~
23 ~~following purposes may be eligible for funding:~~

24 ~~(a)(i) Costs incurred or to be incurred by wireless~~
25 ~~carriers to implement enhanced wireless 911 service pursuant to a~~

1 service agreement with a public safety answering point or pursuant to
2 a request for service from a public safety answering point. Such
3 costs may include, but not be limited to, the portion of the costs
4 for new equipment used for providing enhanced wireless 911 service,
5 costs to lease another vendor's equipment or services to provide
6 enhanced wireless 911 service, costs to create or maintain any data
7 base or data base elements used solely for enhanced wireless 911
8 service, and other costs of establishing enhanced wireless 911
9 service. The portion of the costs of equipment or services used in
10 the wireless carrier's main infrastructure resulting in revenue to
11 the wireless carrier is not eligible for funding;

12 ~~(b)~~—(ii) Costs incurred or to be incurred by public
13 safety answering points to implement enhanced wireless 911 service
14 may include, but not be limited to, purchases of new equipment, costs
15 of upgrades, modification and personnel training used solely to
16 process the data elements of enhanced wireless 911 service, and
17 maintenance costs and license fees for new equipment;

18 ~~(c)~~—(iii) Costs incurred or to be incurred by public
19 safety answering points for the purchase, installation, maintenance,
20 and operation of telecommunications equipment and telecommunications
21 services required for the provision of enhanced wireless 911 service;

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

1 ~~(e)~~(v) Expenses incurred by members of the advisory
2 board while performing duties required by the act.

3 ~~(3)~~(2) A wireless carrier receiving funds from the
4 Enhanced Wireless 911 Fund shall not directly assess any of the costs
5 associated with the implementation or provision of enhanced wireless
6 911 service to any public safety answering point, county, or
7 municipality without the express consent of the commission.

8 ~~(4)~~(3) The commission shall have any powers necessary to
9 carry out the intent and purposes of the act.

10 Sec. 10. Original section 86-428, Reissue Revised
11 Statutes of Nebraska, section 86-463, Revised Statutes Cumulative
12 Supplement, 2012, and section 86-465, Revised Statutes Supplement,
13 2013, are repealed.

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