

LEGISLATIVE BILL 938

Approved by the Governor April 18, 2016

Introduced by Smith, 14.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-163, 86-458, and 86-463, Reissue Revised Statutes of Nebraska; to adopt the 911 Service System Act; to change a reporting requirement; to provide for the transfer of funds; to remove obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. Commission means the Public Service Commission.

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

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

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

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

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

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

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

Sec. 14. Network means (1) a legacy telecommunications network that supports basic 911 service and enhanced-911 service or (2) a managed Internet protocol network that is used for 911 calls, that can be shared by all public safety answering points, and that provides the Internet protocol transport infrastructure upon which independent application platforms and core functional

processes can be deployed, including, but not limited to, those necessary for providing next-generation 911 service capability. A network may be constructed from a mix of dedicated and shared facilities and may be interconnected at local, regional, state, national, and international levels.

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

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

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

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

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

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

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

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

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

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

Sec. 25. The commission shall:

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

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

(3) Be responsible for establishing mandatory and uniform technical and training standards applicable to public safety answering points and adopting and promulgating rules and regulations applicable to public safety answering points for quality assurance standards; and

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

(a) Public safety answering points;

(b) Public safety agencies;

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

(d) Municipal and county officials; and

(e) The Chief Information Officer.

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

Sec. 27. (1) The commission and the state 911 director shall develop and prepare a plan for a 911 service system, to be approved by the commission, and to be implemented by the commission and the state 911 director on or after July 1, 2018. The commission shall hold at least two public hearings on the plan: One hearing at least ninety days prior to the adoption of the plan; and one hearing at least thirty days prior to the adoption of the plan. The commission shall present the adopted plan to the Appropriations Committee of the Legislature and the Transportation and Telecommunications Committee of the Legislature no later than December 1, 2017. The state 911 director, with the approval of the commission, shall prepare and provide a report to the

Appropriations Committee and the Transportation and Telecommunications Committee on the progress of the development of the plan no later than February 1, 2017. The report shall be submitted electronically.

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

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

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

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

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

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

Sec. 28. The 911 Service System Fund is created. The fund shall consist of money transferred from the Enhanced Wireless 911 Fund, any federal funds received for implementation and development of 911 service, and any other money designated for credit to the 911 Service System Fund. The fund shall be used for the costs of administering the fund and for the purposes specified in the 911 Service System Act. The fund shall not be subject to any fiscal-year limitation or lapse provision of unexpended balance at the end of any fiscal year or biennium. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

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

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

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

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

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

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

(3) Describe the level of telecommunications service rates;

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

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

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

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

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

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

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

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

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

86-463 The Enhanced Wireless 911 Fund is created. The fund shall consist of the surcharges credited to the fund, any money appropriated by the Legislature, any federal funds received for wireless emergency communication except as otherwise provided in section 28 of this act, and any other funds designated for credit to the fund. Money in the fund shall be used for the costs of administering the fund and the purposes specified in section 86-465 unless otherwise directed by federal law with 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 provision of unexpended balance at the end of any fiscal year or biennium. Interest accruing to the fund from invested fund balances may be transferred to the General Fund at the direction of the Legislature through June 30, 2010. Any money in the Enhanced Wireless 911 Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

Sec. 34. Original sections 86-163, 86-458, and 86-463, Reissue Revised Statutes of Nebraska, are repealed.

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