

LEGISLATIVE BILL 446

Approved by the Governor May 25, 1999

Introduced by Transportation Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw. Pedersen, 39; C. Peterson, 35; Thompson, 14; and Tyson, 19

AN ACT relating to communication; to amend sections 81-2308, 81-2604, and 86-1506, Revised Statutes Supplement, 1998; to adopt the Nebraska Public Safety Wireless Communication System Act; to eliminate a task force; to harmonize provisions; to repeal the original sections; to outright repeal sections 86-1801 and 86-1802, Revised Statutes Supplement, 1998; and to declare an emergency.

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

Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Nebraska Public Safety Wireless Communication System Act.

Sec. 2. The Legislature finds that:

(1) During emergencies the resources of the state and its political subdivisions must be effectively directed to save lives, to protect property, and to meet the needs of its citizens;

(2) Public safety agencies fulfill this unique and essential role;

(3) Public safety agencies are only as effective as their ability to communicate. To adequately ensure public safety, such agencies require an efficient, reliable communication system which accounts for their unique role and the specialized needs that accompany such role;

(4) Present radio communication systems used by public safety agencies during daily operations and emergencies are deficient. Nebraska's systems are based on outdated technologies, rely on inadequate equipment, are susceptible to communication interference, have limited coverage areas, operate under the constraints of a limited number of radio frequency channels, and lack coordination and the ability to interoperate among city, county, state, and federal users. Additionally, such systems presently do not allow for secure transmissions which are necessary for the protection and integrity of public safety communications;

(5) Recent changes and advances in communication technology, including wireless communication, would increase the capability of public safety agencies to provide efficient and effective public safety services;

(6) Investment in the public safety communication infrastructure is required to ensure the effectiveness of Nebraska's public safety agencies. Since the maintenance of public safety is a paramount concern but the cost of purchasing and operating multiple communication infrastructures is prohibitive, it is imperative that local and state public safety agencies cooperate in their efforts to obtain a single statewide seamless communication system;

(7) A statewide seamless communication system should balance the need for multiple simultaneous users while maintaining autonomy for the internal use of individual agencies. The objectives of such a system should include maximizing resources and reducing duplication among public safety agencies as well as encouraging cooperation, coordination, consolidation, sharing, and partnerships between public agencies and private entities. Such a system should only be implemented after a precise needs assessment has occurred so that the system meets today's public safety needs and is capable of future additions, including mobile digital data terminals, automatic vehicle locators, and other systems for specific public safety applications; and

(8) Prior to implementation of a statewide seamless communication system, there should be in place a process for ongoing implementation, management, review, and improvement of such system.

Sec. 3. For purposes of the Nebraska Public Safety Wireless Communication System Act:

(1) Board means the Public Safety Wireless Communication Advisory Board created in section 9 of this act;

(2) Division means the division of communications of the Department of Administrative Services;

(3) Public safety agency means any federal, state, or political subdivision entity which provides emergency and public safety services, including medical services, law enforcement services, fire management services, correctional services, and emergency and disaster relief services; and

(4) System means a statewide seamless wireless communication system created in section 4 of this act.

Sec. 4. Based upon an implementation plan and the ongoing advice and assistance of the board, the division shall establish and implement a statewide seamless wireless communication system for the use of all state public safety agencies. The infrastructure of such system shall be operated and maintained by the state within the division. The division shall allow local, state, and federal public safety agencies to interconnect with the state's infrastructure to enable multi-agency, multijurisdictional responses to public safety situations.

Sec. 5. (1) An implementation plan for the system shall be developed by the division and the board after the communication needs of public safety agencies have been assessed. The implementation plan shall build upon the recommendations contained in the report dated January 1, 1999, and issued by the Task Force for the Nebraska State Radio Communication System to the Legislature and Governor. The plan shall:

(a) Outline the needs of the system, including infrastructure capacity to:

(i) Support statewide voice and data radio communications;

(ii) Provide wide-area and roaming access by public safety agencies on a statewide basis;

(iii) Permit public safety agencies to interoperate when needed but still maintain autonomy for daily functions;

(iv) Support coverage requirements to meet the needs of public safety agencies; and

(v) Support technology requirements to meet the current and future needs of public safety agencies;

(b) List the phases in developing the system, including a timeline for local public safety agencies to migrate to the use of the system so as to ensure that there are adequate resources to meet the needs and allow planned progressive expansion of system coverage and capacities; and

(c) Detail the estimated costs of the system, including operating costs, incentive funds, and anticipated subscriber fees.

The plan shall contain technical and logistical details of the system based upon the advice of an independent consultant hired by the division and the board pursuant to subsection (5) of this section.

(2) When assessing the needs of public safety agencies, the board shall advise the division regarding ongoing planning and strategy with state and local public safety entities. The division shall work in conjunction with the Intergovernmental Data Communications Advisory Council, the Nebraska Information Technology Commission, and the Criminal Justice Advisory Committee in fulfilling their missions related to the system. Needs assessment shall focus on maximizing available resources and minimizing duplication to facilitate the provision of seamless statewide public safety services. The implementation plan shall use and modify, as needed, existing state-owned tower sites and facilities. The implementation plan shall provide for the leasing, when feasible, of existing facilities, tower space, and equipment shelters owned by local public or private entities. The ability to use existing facilities for public safety communications shall take into consideration the unique role and specialized needs of public safety agencies, including the importance of communication integrity and security.

(3) The board shall adopt and promulgate rules and regulations concerning authorized use of the system. Such rules and regulations shall address parameters for the transmission of information over the system, including law enforcement restrictions regarding confidential information.

(4) Upon completion, the plan shall be used to formulate a request for procurement to select a system vendor.

(5) The division, with approval by the board, shall (a) hire an independent consultant to assist in developing the implementation plan and request for procurement and (b) select a system vendor pursuant to a competitive bidding process. The division and board may also contract with any private or public entities or political subdivisions to assist in developing the implementation plan. The division shall administer the operational funds to finance this subsection.

Sec. 6. (1) The division and board shall assist public safety agencies joining the system and interface the agencies' existing equipment into the system when feasible. Public safety agencies shall purchase and own their subscriber equipment to interconnect with the system infrastructure. Public safety agencies shall be assessed a subscriber fee as determined by the division for use of the system. The subscriber fee shall be collected by the division and credited to the Public Safety Communications Fund.

(2) The Public Safety Communications Fund is created. The fund

shall be administered by the division. The fund shall contain subscriber fees for use of the system as well as any public or private funds, including federal grant money. The board shall have oversight over any expenditures from the fund. 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. 7. The board with the division shall develop incentives to encourage regional cooperation in public safety communication throughout the state. The board shall assist local communities and public safety agencies which desire to connect with the system. Incentive alternatives may include financial incentives to encourage migration by communities to the system and to reward communities which coordinate efforts to form public safety communication centers. Such incentives shall not mandate migration by public safety agencies to the system.

Sec. 8. Upon installation of the system infrastructure:

(1) The division shall have a continuing duty to:

(a) Operate, maintain, and manage the system;

(b) Supervise the migration of public safety agencies to the system and develop a set of factors to determine prioritization of agencies migrating to the system;

(c) Assess the need for, and estimate usage of, any system resources, upgrades, and expansions; and

(d) Administer the Public Safety Communications Fund; and

(2) The board shall have a continuing duty to:

(a) Develop proposals for the administration of system resources, upgrades, and expansions;

(b) Determine the availability of financial resources for system resources, upgrades, and expansions;

(c) Assess the communication needs of public safety agencies;

(d) Remain abreast of developments in communication technology as it impacts public safety agencies;

(e) Coordinate communication strategy with other public and private entities, including political subdivisions, when feasible; and

(f) Oversee any expenditures from the Public Safety Communications

Fund.

Sec. 9. (1) The Public Safety Wireless Communication Advisory Board is created. The board shall provide advice to the division to implement the Nebraska Public Safety Wireless Communication System Act. For administrative and budgetary purposes, the board shall be within the division. The division shall provide office space, equipment, technical assistance, and staff support for the board.

(2) The board shall consist of the following members, all of whom shall be individuals with knowledge of the communication needs of their represented agencies or constituencies:

(a) A representative of the division who is an ex officio member;

(b) A representative of the Department of Correctional Services;

(c) A representative of the Department of Roads;

(d) A representative of the Game and Parks Commission;

(e) A representative of the Nebraska State Patrol;

(f) A representative of the Department of Health and Human Services Regulation and Licensure;

(g) A representative of the Nebraska Emergency Management Agency;

(h) A representative of the Nebraska County Sheriffs Association;

(i) A representative of the Police Officers Association of Nebraska;

(j) A representative of the Nebraska Association of County Officials;

(k) A representative of the League of Nebraska Municipalities;

(l) A representative of the Criminal Justice Advisory Committee;

(m) A representative of professional firefighters;

(n) A representative of volunteer firefighters; and

(o) A representative of emergency medical services.

A chairperson of the board shall be elected annually by a vote of the majority of the board. The board may establish subcommittees and working groups as deemed necessary.

(3) Members of the board representing agencies listed in subdivisions (2)(a) through (2)(l) of this section shall be appointed by their respective agencies, and members representing constituencies listed in subdivisions (2)(m) through (2)(o) of this section shall be appointed by the Governor. Initial appointments to the board shall be made within thirty days after the effective date of this act. In the case of a vacancy, a successor shall be appointed in the same manner as the initial appointment.

(4) The board shall hold at least four meetings annually. The first

organizational meeting shall be held within sixty days after the effective date of this act. A quorum of voting members is required to conduct business. Members shall be reimbursed from the Public Safety Communications Fund for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.

(5) Prior to December 1 of each year, the board shall provide a written report to the Legislature on the progress of the system.

Sec. 10. Section 81-2308, Revised Statutes Supplement, 1998, is amended to read:

81-2308. The council shall: (1) Develop and publish one-year and five-year plans, specifications, and recommendations for the data processing needs of the state and for a network to provide for intergovernmental transfer of data; (2) seek to eliminate duplication of effort through coordination of related projects; (3) promote flexibility in the collection, use, and exchange of information in anticipation of future needs of the state and its political subdivisions; (4) identify and recommend data processing applications in anticipation of the future needs of state and local governments; (5) promote intergovernmental exchanges of data and technical expertise; (6) report to, assist, and advise the Chief Information Officer in setting information technology policy; ~~and~~ (7) provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-1511; and (8) provide assistance upon request to the Public Safety Wireless Communication Advisory Board. The council may: (a) Study and make recommendations, including a cost-benefit analysis, concerning state projects which involve intergovernmental transfer of information in an electronic medium or multijurisdictional data processing projects; and (b) study and make recommendations, including a cost-benefit analysis, concerning a local project only if the request for assistance comes from the governmental subdivisions involved in the project.

Sec. 11. Section 81-2604, Revised Statutes Supplement, 1998, is amended to read:

81-2604. The Geographic Information System Steering Committee shall:

(1) Make recommendations to the Legislature for program initiatives and funding;

(2) Establish guidelines and policies for statewide Geographic Information System operations and management to include:

(a) The acquisition, development, maintenance, quality assurance such as quality control standards, access, ownership, cost recovery, and priorities of data bases;

(b) The compatibility, acquisition, and communications of hardware and software;

(c) The assessment of needs, identification of scope, setting of standards, and determination of an appropriate enforcement mechanism;

(d) The fostering of training programs and promoting education and information about the Geographic Information System; and

(e) The promoting of the Geographic Information System development in the State of Nebraska and providing or coordinating additional support to address Geographic Information System issues as such issues arise;

(3) Report to, assist, and advise the Chief Information Officer in setting information technology policy; ~~and~~

(4) Provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-1511; and

(5) Provide assistance upon request to the Public Safety Wireless Communication Advisory Board.

Sec. 12. Section 86-1506, Revised Statutes Supplement, 1998, is amended to read:

86-1506. The commission shall:

(1) By July 1, 1999, and each July 1 thereafter, adopt policies and procedures used to develop, review, and annually update a statewide technology plan;

(2) Create a technology information clearinghouse to identify and share best practices and new developments, as well as identify existing problems and deficiencies;

(3) Review and adopt policies to provide incentives for investments in information technology infrastructure services;

(4) Determine a broad strategy and objectives for developing and sustaining information technology development in Nebraska, including long-range funding strategies, research and development investment, support and maintenance requirements, and system usage and assessment guidelines;

(5) By September 15, 1998, adopt guidelines regarding project

planning and management, information sharing, and administrative and technical review procedures involving state-owned or state-supported technology and infrastructure. Governmental entities, state agencies, and political subdivisions shall submit projects which directly utilize state-appropriated funds for information technology purposes to the process established by sections 86-1501 to 86-1514. Governmental entities and political subdivisions may submit other projects involving information technology to the commission for comment, review, and recommendations;

(6) By September 15, 1998, adopt minimum technical standards, guidelines, and architectures upon recommendation by the technical panel created in section 86-1511;

(7) Establish ad hoc technical advisory groups to study and make recommendations on specific topics, including work groups to establish, coordinate, and prioritize needs for education, local communities, and state agencies;

(8) By November 15 of each even-numbered year, make recommendations on technology investments to the Governor and the Legislature, including a prioritized list of projects, reviewed by the technical panel, for which new or additional funding is requested;

(9) Approve grants from the Community Technology Fund and Government Technology Collaboration Fund; ~~and~~

(10) By September 15, 1998, adopt schedules and procedures for reporting needs, priorities, and recommended projects; ~~and~~

(11) Provide assistance upon request to the Public Safety Wireless Communication Advisory Board.

Sec. 13. Original sections 81-2308, 81-2604, and 86-1506, Revised Statutes Supplement, 1998, are repealed.

Sec. 14. The following sections are outright repealed: Sections 86-1801 and 86-1802, Revised Statutes Supplement, 1998.

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