

## LEGISLATIVE BILL 595

Approved by the Governor May 8, 2013

Introduced by Price, 3.

FOR AN ACT relating to the Enhanced Wireless 911 Services Act; to amend sections 86-442, 86-443, and 86-465, Reissue Revised Statutes of Nebraska; to state intent; to define a term; to provide for a study of next-generation 911; to provide for use of the Enhanced Wireless 911 Fund; 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. Section 86-442, Reissue Revised Statutes of Nebraska, is amended to read:

86-442 Sections 86-442 to 86-470 and sections 3, 4, and 5 of this act shall be known and may be cited as the Enhanced Wireless 911 Services Act.

Sec. 2. Section 86-443, Reissue Revised Statutes of Nebraska, is amended to read:

86-443 For purposes of the Enhanced Wireless 911 Services Act, the definitions found in sections 86-444 to 86-456.01 and section 4 of this act apply.

Sec. 3. The Legislature finds that consideration of upgrades to emergency telephone communications is warranted. It is the intent of the Legislature to authorize the use of the Enhanced Wireless 911 Fund to fund a study of the implications, costs, and consideration of next-generation emergency telephone communications.

Sec. 4. Next-generation 911 means an Internet-protocol-based system comprised of managed emergency services Internet protocol networks, functional elements, and data bases that replicate traditional E-911 service or enhanced 911 wireless service features and functions and that provide additional capabilities.

Sec. 5. (1) The commission shall use the Enhanced Wireless 911 Fund to conduct a study to examine issues surrounding the statewide implementation of next-generation 911 and to contract with an independent third party to assist with the study. Next-generation 911 shall be 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 service organizations. The study shall include, but not be limited to, an examination of the following issues:

(a) Examination of the current statutory and regulatory framework for the management and funding of E-911 service in Nebraska;

(b) Examination and assessment of the current system of E-911 service within Nebraska;

(c) Examination of the Federal Communications Commission's open rulemaking regarding the deployment of next-generation 911;

(d) Identification of the federal, state, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of next-generation 911 in Nebraska;

(e) Examination of any efforts, projects, or initiatives currently in progress or planned related to any portion of the implementation of next-generation 911 in Nebraska;

(f) Examination of the plans and efforts of other states regarding the implementation of next-generation 911; and

(g) Any other issues related to the planning and implementation of next-generation 911.

(2) The independent third party shall submit an initial report to the commission not later than January 31, 2014. The independent third party shall complete the study and submit a final report to the commission not later than April 1, 2014. The commission shall submit the final report electronically to the Transportation and Telecommunications Committee of the Legislature.

(3) The initial report of the independent third party shall include:

(a) An assessment of the statewide 911 network existing on the effective date of this act, including, but not limited to, the statutory and regulatory framework, the management and sources of funding available to support 911 services, the broadband and telephone infrastructure, and the equipment and software used by the state, public safety answering points, and geographic information systems;

(b) Examination of any efforts, projects, or initiatives in progress or planned related to implementation of next-generation 911 in Nebraska and

other states;

(c) Identification of the federal, state, and local authorities, agencies, and governing bodies whose participation and cooperation will be necessary for the implementation of next-generation 911 in Nebraska; and

(d) Any other issues deemed necessary by the commission.

(4) The final report of the independent third party shall include:

(a) The initial report of the independent third party as outlined in subsection (3) of this section;

(b) Recommendations providing a variety of options for the planning, development, phased-in implementation, and management of next-generation 911 and the deployment, interconnection, and management of emergency services Internet protocol networks, including, but not limited to, necessary technological upgrades, the timeline and cost of such phases of implementation, and organizational structures with authority to oversee the recommended options;

(c) Identification of any changes to the master street address guide required for next-generation 911 and how geocoding would integrate in the routing of next-generation 911;

(d) Identification of any equipment changes that would be needed by public service answering points, including customer-premise equipment, recording capabilities, and computer-aided dispatching;

(e) An estimated cost of the necessary components for planning, implementation, and management of next-generation 911 and recommended sources of funding; and

(f) Any other necessary issues related to the planning, implementation, and management of next-generation 911.

Sec. 6. Section 86-465, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

(a) Costs incurred or to be incurred by wireless carriers to implement enhanced wireless 911 service pursuant to a service agreement with a public safety answering point or pursuant to a request for service from a public safety answering point. Such costs may include, but not be limited to, the portion of the costs for new equipment used for providing enhanced wireless 911 service, costs to lease another vendor's equipment or services to provide enhanced wireless 911 service, costs to create or maintain any data base or data base elements used solely for enhanced wireless 911 service, and other costs of establishing enhanced wireless 911 service. The portion of the costs of equipment or services used in the wireless carrier's main infrastructure resulting in revenue to the wireless carrier is not eligible for funding;

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

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

(d) Costs associated with the conduct of a study regarding

next-generation 911 as required by section 5 of this act, including, but not limited to, costs related to contracting with an independent third party for purposes of conducting the study; and

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

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

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

Sec. 7. Original sections 86-442, 86-443, and 86-465, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.