

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 993

Introduced by Friesen, 34.

Read first time January 11, 2018

Committee:

1 A BILL FOR AN ACT relating to the 911 Service System Act; to amend
2 sections 86-1001, 86-1004, 86-1025, 86-1026, and 86-1028, Revised
3 Statutes Cumulative Supplement, 2016; to define a term; to create
4 the 911 Service System Advisory Committee; to change and provide
5 duties for the Public Service Commission; to change provisions
6 relating to use of the 911 Service System Fund; to provide authority
7 for access to federal and other funds; to provide immunity to
8 certain service providers and the Public Service Commission as
9 prescribed; to eliminate a termination date; to harmonize
10 provisions; to repeal the original sections; to outright repeal
11 section 86-1030, Revised Statutes Cumulative Supplement, 2016; and
12 to declare an emergency.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-1001, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 86-1001 Sections 86-1001 to 86-1029 and sections 3, 4, and 8 to 10
4 of this act ~~86-1030~~ shall be known and may be cited as the 911 Service
5 System Act.

6 Sec. 2. Section 86-1004, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 86-1004 For purposes of the 911 Service System Act, the definitions
9 found in sections 86-1005 to 86-1024 and section 3 of this act apply.

10 Sec. 3. Committee means the 911 Service System Advisory Committee.

11 Sec. 4. (1) The 911 Service System Advisory Committee is created.
12 The committee shall advise the commission concerning the implementation,
13 coordination, operation, management, maintenance, and funding of the 911
14 service system and provide input on technical training and quality
15 assurance. The state 911 director and the Chief Information Officer or
16 his or her designee shall serve as ex officio members. The committee
17 shall include the following individuals appointed by the commission:

18 (a) Four representatives of public safety agencies within the state,
19 including an emergency manager, a member of a law enforcement agency, a
20 member of a fire department, and a member of an emergency medical service
21 as defined in section 38-1207;

22 (b) Two county officials or employees;

23 (c) Two municipal officials or employees;

24 (d) Two representatives of the telecommunications industry;

25 (e) Two managers of public safety answering points, one of whom is
26 employed by a county sheriff and one of whom is not employed by a county
27 sheriff;

28 (f) One representative of the Nebraska Association of County
29 Officials; and

30 (g) One representative of the League of Nebraska Municipalities.

31 (2) Of the fourteen appointed members of the committee described in

1 subdivisions (1)(a) to (g) of this section, at least four members shall
2 be appointed from each of the three congressional districts. The
3 appointed members of the committee shall serve for terms of three years.
4 A vacancy shall be filled for the remainder of the unexpired term. The
5 committee shall annually select a chairperson and vice-chairperson and
6 meet as often as necessary to carry out its duties. Members of the
7 committee shall be reimbursed for their actual and necessary expenses as
8 provided in sections 81-1174 to 81-1177.

9 (3) The committee shall make any recommendations to the commission
10 regarding the exercise of the commission's duties administering the 911
11 service system pursuant to section 86-1025, including recommending the
12 adoption and promulgation of any rules and regulations necessary to carry
13 out the purposes of the act or the introduction of any legislation. The
14 commission may consider and implement any such recommendations.

15 Sec. 5. Section 86-1025, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 86-1025 The commission shall:

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

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

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

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

31 ~~(a) Public safety answering points;~~

1 ~~(b) Public safety agencies;~~

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

6 ~~(d) Municipal and county officials; and~~

7 ~~(e) The Chief Information Officer.~~

8 (4) Appoint the members of the committee and act on the committee's
9 recommendations as provided in section 4 of this act; and

10 (5)(a) Determine how to allocate the 911 Service System Fund in
11 order to facilitate the planning, implementation, coordination,
12 operation, management, and maintenance of the 911 service system;

13 (b) Create a mechanism for determining the level of funding
14 available to or for the benefit of local governing bodies, public safety
15 answering points, and third-party service or infrastructure providers for
16 costs determined to be eligible by the commission under subdivision (5)
17 (c) of this section; and

18 (c) Establish standards and criteria concerning disbursements from
19 the 911 Service System Fund for the planning, implementation,
20 coordination, operation, management, and maintenance of the 911 service
21 system. In establishing such standards and criteria, the following may be
22 eligible for funding:

23 (i) Costs incurred by or on behalf of governing bodies or public
24 safety answering points to provide 911 service, including, but not
25 limited to, (A) acquisition of new equipment and related maintenance
26 costs and license fees, (B) upgrades and modifications, (C) delivering
27 next-generation 911 core services, and (D) training personnel used to
28 provide 911 services; and

29 (ii) Costs incurred by or on behalf of governing bodies or public
30 safety answering points for the acquisition, installation, maintenance,
31 and operation of telecommunications equipment and telecommunications

1 service required for the provision of 911 service.

2 Sec. 6. Section 86-1026, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 86-1026 The commission shall appoint a state 911 director to manage
5 the department established within the commission for the 911 service
6 system. The commission shall ensure that the department has all necessary
7 staffing and resources. The commission may retain contracted experts or
8 consultants who may be required for the administration of the 911 Service
9 System Act. ~~The commission and the state 911 director shall establish an~~
10 ~~advisory committee to provide input on technical training, quality~~
11 ~~assurance, funding, and operation and maintenance of the 911 service~~
12 ~~system. Advisory committee members shall be approved by the commission.~~

13 Sec. 7. Section 86-1028, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 86-1028 (1) The 911 Service System Fund is created. The fund shall
16 consist of money transferred from the Enhanced Wireless 911 Fund, any
17 federal funds received for implementation and development of 911 service,
18 and any other money designated for credit to the 911 Service System Fund.
19 The fund shall be used for the costs of administering the fund and for
20 the purposes specified in the 911 Service System Act. The fund shall not
21 be subject to any fiscal-year limitation or lapse provision of unexpended
22 balance at the end of any fiscal year or biennium. Any money in the fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

26 (2) Money in the fund may be used to pay for costs incurred by or on
27 behalf of governing bodies or public safety answering points to provide
28 911 service that are determined by the commission to be eligible for
29 funding. The commission is not required to provide funding from the 911
30 Service System Fund to more than one public safety answering point in any
31 county. Each entity that receives disbursements from the fund under this

1 subsection shall make a full accounting of the money in a manner and form
2 prescribed by the commission.

3 Sec. 8. The commission may apply for any federal or other funds
4 available for next-generation 911 service and may distribute such federal
5 funds consistent with federal law and other funds consistent with the
6 directives, purposes, or conditions of such other funds. Except for
7 intentional acts, the commission shall be immune from liability or the
8 payment of damages in applying for any such federal funds. The state 911
9 director shall be the designated single point of contact for any federal
10 911 grant program pursuant to 7 C.F.R. part 3015, subpart V, as such
11 regulation existed on January 1, 2018, or any related federal law or
12 regulation.

13 Sec. 9. Any person involved in the provision of next-generation 911
14 service who: (1) Receives, develops, collects, or processes information
15 for any 911 data base; (2) provides local exchange, interexchange, or
16 transport service in connection with any next-generation 911 service; (3)
17 relays, transfers, operates, maintains, or provides next-generation 911
18 service or systems capabilities; or (4) provides next-generation 911
19 communications service for emergency service providers shall, except for
20 failure to use reasonable care or for intentional acts, be immune from
21 liability or the payment of damages in the performance of installing,
22 maintaining, or providing next-generation 911 service.

23 Sec. 10. The commission shall adopt and promulgate rules and
24 regulations necessary to carry out the 911 Service System Act.

25 Sec. 11. Original sections 86-1001, 86-1004, 86-1025, 86-1026, and
26 86-1028, Revised Statutes Cumulative Supplement, 2016, are repealed.

27 Sec. 12. The following section is outright repealed: Section
28 86-1030, Revised Statutes Cumulative Supplement, 2016.

29 Sec. 13. Since an emergency exists, this act takes effect when
30 passed and approved according to law.