

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016

COMMITTEE STATEMENT

LB938

Hearing Dates: Monday February 1, 2016
Monday February 29, 2016

Committee On: Transportation and Telecommunications

Introducer: Smith

One Liner: Adopt the 911 Service System Act and transfer funds from the Enhanced Wireless 911 Fund to the 911 Service System Fund

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Smith, Seiler, Murante, McCoy, Garrett, Friesen, Brasch, Davis

Nay:

Absent:

Present Not Voting:

Verbal Testimony for February 1, 2016:

Proponents:

Jerry Vap

Larry Dix

Eric Carstenson

Julie Righter Dove

Mark Conrey

Representing:

Nebraska Public Service Commission

Nebraska Association of County Officials and Nebraska Sheriffs' Association

Nebraska Telecommunications Association

Nebraska APCO/NENA and NESCA

Douglas County

Opponents:

Representing:

Neutral:

Loel Brooks

Curt Bromm

Kim Robak

Representing:

AT&T, Sprint, US Cellular, Verizon, and Viaero

Verizon

AT&T

Verbal Testimony for February 29, 2016:

Proponents:

Mike Hybl

Jerry Vap

Kara Thielen

Michael Bagley

Jenny Hansen

Eric Carstenson

Representing:

Transportation and Telecommunications Committee

Nebraska Public Service Commission

Viaero

Verizon

Douglas County Emergency Communications

Nebraska Telecommunications Association

Opponents:

Bill Mueller

Representing:

AT&T

Neutral:**Representing:****Summary of purpose and/or changes:**

Adopts the 911 Service System Act

The purpose of the act is to designate the Nebraska Public Service Commission (NPSC) as the statewide implementation and coordinating authority to plan, implement, coordinate, manage, maintain and provide funding assistance for a statewide 911 service system. (Section 2)

Statement of legislative intent-- the NPSC shall:

- 1) Oversee and manage and provide funding assistance for the coordination of 911 service on a state-wide basis;
- 2) Local governing authorities shall remain responsible for dispatch and the provision of emergency services;
- 3) The NPSC shall provide public education support, training standards enforcement, dispute resolution, and program evaluation;
- 4) The jurisdiction of state, regional and local jurisdictions shall be clearly defined to produce the most efficient provision of 911 service; and
- 5) Provide statewide uniform standards for technical support, training efficiency, and quality assurance for 911 service.

The NPSC shall appoint a state 911 director to oversee a department that will manage the state 911 system. The director shall be responsible for hiring all necessary staff and shall establish an advisory committee to assist in the development of the state 911 plan. (Section 29)

The NPSC shall, with the assistance of the state 911 director, prepare a plan for the implementation of a state 911 system. The plan developed may not be implemented until on or after July 1, 2018. The plan developed shall be presented to the Appropriations and Transportation and Telecommunications Committees of the Legislature no later than December 1, 2017. Prior to the approval of the plan the NPSC shall hold at least one public hearing at least 30 days prior to the plans final adoption. An interim progress report on the development of the implementation plan shall be provided to the Appropriations and Transportation and Telecommunications Committee no later than February 1, 2017.

The final plan adopted by the NPSC shall include:

- 1) Start-up and on-going costs of a statewide 911 system;
- 2) Recommendations to the Legislature for cost recovery;
- 3) A discussion of how the state 911 coordination role will be implemented;
- 4) A recommendation of the number of public safety answering points that should be maintained in the state that are next generation 911 capable and supported by state funding sources;
- 5) A recommendation for any additional legislation required to implement statewide 911 service. (Section 30)

Creates the 911 Service System Fund. (Section 31)

The Fund will consist of money transferred from the Enhanced Wireless 911 Fund, any federal funding received for the enhancement and development of 911 service, and any other funding credited to the Fund.

Explanation of amendments:

The committee considered and adopted an amendment which substitutes for the bill. The original provisions of the bill are retained with the following revisions:

1) Definitions used in the Act are revised. The following defined terms are eliminated- "Automatic Location Identification", "Automatic Number Identification", "Geographic Information System", "911 Service Provider", "Text-to-911".

The following defined terms are added to the bill.

"Internet Protocol-Enabled Service"- "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".

"Originating Service Provider"- "Originating service provider means an entity that provides the capability for customers to originate 911 calls to public safety answering points".

The term "Basic 911" is changed to "Basic 911 Service" and reads ""Basic 911 service means an emergency telephone system which automatically connects a 911 call to a designated public safety answering point".

The term "Local governing body" is revised to include within the definition "any governing body of an entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act".

The term "Network" is modified to include a "legacy telecommunications network that supports basic and enhanced 911 service".

The term "911 Service System" is revised to read "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, and any emerging technologies, networks and systems that allow access to 911 service".

2) The amendment adds references that direct the Public Service Commission to implement and manage the act in a "cost-efficient" manner.

3) Subsection (6) of section 3 is clarified that the standards established by the Public Service Commission for technical support, training, and quality assurance shall apply to public safety answering points, also section three is further amended by adding new subsections (7) and (8) and new section 29 is added to the act. The language added is intended to clarify and state explicitly that the provisions of the act, except as expressly provided for by the act, are not intended to expand the jurisdiction and authority of the Public Service Commission.

4) Section 25 is revised to clarify the role of the Public Service Commission in overseeing the operation of the 911 Department established by the act.

5) As introduced the bill requires the Public Service Commission to hold 1 public hearing prior to the approval of the final 911 implementation plan. The amendment requires 2 public hearings to be held, one 90 days and the other 30 days prior to the adoption of the final plan.

6) Amends section 86-163- Public Service Commission, annual report to the Legislature on the status of telecommunications.

The section is amended to add one additional subject area that the Commission shall report on to the Legislature. An assessment, based upon information provided by public safety answering points, of the level of E-911 wireless location accuracy compliance for wireless carriers.

7) A sunset provision is added to the bill. The act shall terminate on June 30, 2018.

8) The Emergency Clause is added.

Jim Smith, Chairperson