



Ninety-Seventh Legislature - Second Session - 2002
Corrected Committee Statement
LB 1211

Hearing Date: February 4, 2002

Committee On: Transportation and Telecommunications

Introducer(s): (Transportation and Telecommunications Committee, Tyson, Wehrbein)

Title: Authorize funding and change powers and duties relating to public safety communications

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

8 Yes Senators Jones, Baker, Robak, Dw. Pedersen, Byars, Hudkins,
Brown and Bromm

No

Present, not voting

Absent

Proponents:

Senator Curt Bromm

Senator Gene Tyson

Lynn Rex

Richard Pederson

Dave Eischens

Jerry Stilmock

Neil Miller

Representing:

23rd District

19th District

League of Nebraska Municipalities

League of Nebraska Municipalities

Motorola, Inc.

Nebraska State Volunteer Firefighters
Association

Sheriff Buffalo County; Wireless Advisory
Commission

Opponents:

Representing:

Neutral:

Ted Blume

Walter Radcliffe

Bob Brower

Rick Boucher

James Gerweck

Michael Nolan

Representing:

Nebraska Game & Parks Commission

MACOM; Alltel

Scottsbluff County Communications

Nebraska Sheriff's Association

Richardson County Emergency Management

Norfolk City Administrator

Summary of purpose and/or changes:

The bill, containing the emergency clause, sets up a structure for the creation of interlocal agencies to purchase and manage the public safety communications system with bond financing.

§13-808 and §13-2530 (Interlocal Cooperation and Joint Public Agency Bonding) are amended to add “public safety communications” to the list of specific purposes for bonds to be issued by a joint entity. A new subsection 3 empowers a joint entity to enter into a financing agreement with the Nebraska Investment Finance Authority (NIFA) as an alternative to bond financing. A new subsection 4 allows any joint entity formed for public safety communications to enter into an agreement with any other joint entity for the operation, maintenance or management of the property of such joint entity or another joint entity.

§58-219 is amended to define project to include, in a newly created subsection (10), any public safety communication project.

The bill contains a new section to allow NIFA to borrow money and issue bond for the purpose of financing a public safety communications project, and to enter into financing agreements for a public safety communication project with an interlocal agency.

§86-1805 is amended to include two new definitions in the Nebraska Public Safety Wireless Communication System Act. An *acquisition agency* would be to acquire property and construct facilities while an *alliance* would operate, maintain and manage the system. The definition of public safety agency is updated with current terminology and expanded to include electric utility services.

The bill asserts that an acquisition agency may be established as a joint entity under the Interlocal Cooperation Act and acquire property for construction and implementation of such a project. New language states that an alliance may be similarly created to operate, maintain and manage the system.

The bill removes the Division of Communications as the procurer of the system and makes the acquisition agency the entity that procurer. Furthermore, it removes the Division of Communications as the operator of the system and makes the alliance the entity that would be the operator.

New language that allows the State of Nebraska, on behalf of the Department of Administrative Services and the Game and Parks Commission to enter into a service agreement, subject to appropriations, with the acquisition agency and the alliance. The Board of Regents may do the same.

Another provision contains empowering language for political subdivisions authorizing them to enter into agreements with interlocal agencies, appropriate funds, and levy a special tax. A power district may pledge the revenue of the district with the status of revenue bond indebtedness.

Also, the bill removes the Division of Communications from the purchasing and operation of the system. Intent language is changed with regard to the funding of the Public Safety Communications Fund by removing references to subscriber fees and replacing those dollars with a legislative appropriation.

§86-1811 and the role of the Public Safety Wireless Communication Advisory Board is amended. The board shall now provide advice to not just the Division of Communications, but also any alliance, regarding the administration and maintenance of the system. Outdated references to the organization of the board are removed as they have been completed.

There is finally an outright repeal of §86-1807 (instructional planning language from the Legislature to the Division of Communication regarding the radio system) and outright repeal of §86-1810 (stating that the Division of Communications would own and operate that radio system).

Explanation of amendments, if any:

Amendment #2930

The amendment clarifies that this bill would have no effect on the new statutory provisions regarding the sale or lease of dark fiber.

A new section 12 is created to further develop the alliance defined in the bill. The alliance is empowered to operate, regulate and maintain a system; apply for, administer and distribute grants; enter into operational service agreements with users and the acquisition agency; contract for services; and contract for management of the system.

A new section 13 describes the makeup of the alliance's executive board: three members from state government, two from municipalities, two from counties, one from fire districts, and one from power districts. A new section 14 outlines standard powers for the board to elect officers, hold meetings, prepare a budget, etc.

The definition of an alliance is further developed to state that it may employ consultants, and closing language allows for the state to assign its radio spectrum to the alliance or the acquisition agency.

Senator Curt Bromm, Chairperson