

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 996

FINAL READING

Introduced by Brandt, 32; Hunt, 8; Blood, 3.

Read first time January 14, 2020

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to telecommunications; to amend section
2 49-14,101.03, Reissue Revised Statutes of Nebraska, and section
3 86-101, Revised Statutes Supplement, 2019; to create the Broadband
4 Data Improvement Program; to provide powers and duties for the
5 Public Service Commission under the Nebraska Telecommunications
6 Regulation Act; to provide for a government Internet network use
7 policy for the Legislature; to harmonize provisions; to provide
8 operative dates; to repeal the original sections; and to declare an
9 emergency.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-14,101.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-14,101.03 (1) Any use of public resources by a public official or
4 public employee which is incidental or de minimis shall not constitute a
5 violation of section 49-14,101.01 or 49-14,101.02.

6 (2) For purposes of sections 49-14,101.01 and 49-14,101.02, a
7 resource of government, including a vehicle, shall not be considered a
8 public resource and personal use shall not be prohibited if (a) the use
9 of the resource for personal purposes is part of the public official's or
10 public employee's compensation provided in an employment contract or a
11 written policy approved by a government body and (b) the personal use of
12 the resource as compensation is reported in accordance with the Internal
13 Revenue Code of 1986, as amended, and taxes, if any, are paid. If
14 authorized by the contract or policy, the resource may be used whether or
15 not the public official or public employee is engaged in the duties of
16 his or her public office or public employment.

17 (3) Use of a government vehicle by a public official or public
18 employee to travel to a designated location or the home of the public
19 official or public employee is permissible when the primary purpose of
20 the travel serves a government purpose and the use is pursuant to a
21 written policy approved by a government body.

22 (4) Use of a government Internet network by a member of the
23 Legislature for essential personal business is permissible when the
24 member is serving in the member's official capacity and such use is
25 pursuant to a written policy approved by the Executive Board of the
26 Legislative Council.

27 (5) (4) Pursuant to a collective-bargaining agreement, a public
28 facility may be used by a bargaining unit to meet regarding activities of
29 the union or bargaining unit. This section shall not authorize the use of
30 public resources for the purpose of campaigning for or against the
31 nomination or election of a candidate or the qualification, passage, or

1 defeat of a ballot question.

2 (6) (5) Nothing in the Nebraska Political Accountability and
3 Disclosure Act prohibits a public official or public employee from using
4 his or her personal cellular telephone, electronic handheld device, or
5 computer to access a wireless network to which access is provided to the
6 public by a government body.

7 Sec. 2. Section 86-101, Revised Statutes Supplement, 2019, is
8 amended to read:

9 86-101 Sections 86-101 to 86-165 and section 3 of this act shall be
10 known and may be cited as the Nebraska Telecommunications Regulation Act.

11 Sec. 3. (1) To ensure that the State of Nebraska is accurately
12 represented in federal broadband grant programs, including grants from
13 the federal Universal Service Fund, the Broadband Data Improvement
14 Program is created. The Broadband Data Improvement Program shall be
15 administered by the commission.

16 (2) The purpose of the Broadband Data Improvement Program is to:

17 (a) Complement the granular broadband availability data submitted by
18 service providers to the Federal Communications Commission or the
19 Universal Service Administrative Company;

20 (b) Leverage the Federal Communication Commission's Digital
21 Opportunity Data Collection to improve Nebraska's broadband map; and

22 (c) Encourage Nebraskans to participate in crowdsourcing efforts
23 developed to enhance federal broadband mapping.

24 (3) In administering the Broadband Data Improvement Program, the
25 commission may:

26 (a) Participate in the Federal Communication Commission's Digital
27 Opportunity Data Collection, as such collection existed on January 1,
28 2020;

29 (b) In the absence of a federal program to crowdsource broadband
30 data, develop a state-based broadband data crowdsource program if it is
31 determined by the commission that doing so would improve Nebraska's

1 broadband map;

2 (c) Develop a statewide outreach plan to promote citizen
3 participation in a state or federal broadband data crowdsourcing program;

4 (d) Allocate resources to areas of the state where public feedback,
5 crowdsourcing, or other evidence suggests that the federal broadband data
6 may be inaccurate;

7 (e) Prioritize data improvement in rural areas, including those
8 areas within any city of the first class, city of the second class,
9 village, or unincorporated area of a county; and

10 (f) Adhere to any guidelines established by the Federal
11 Communications Commission for states to improve data.

12 (4) The commission may adopt and promulgate rules and regulations to
13 carry out the purposes of this section.

14 Sec. 4. Sections 2, 3, and 6 of this act become operative three
15 calendar months after the adjournment of this legislative session. The
16 other sections of this act become operative on their effective date.

17 Sec. 5. Original section 49-14,101.03, Reissue Revised Statutes of
18 Nebraska, is repealed.

19 Sec. 6. Original section 86-101, Revised Statutes Supplement, 2019,
20 is repealed.

21 Sec. 7. Since an emergency exists, this act takes effect when
22 passed and approved according to law.