Introduced by Friesen, 34; Bostelman, 23.

Read first time January 14, 2020

Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109.01, 86-127, and 86-577, Reissue Revised Statutes of Nebraska, and sections 86-579 and 86-1102, Revised Statutes Cumulative Supplement, 2018; to adopt the Broadband Internet Service Infrastructure Act; to state legislative intent; to provide for a state broadband coordinator; to provide duties for the Public Service Commission and Nebraska Library Commission as prescribed; to create the Nebraska E-Rate Special Construction Matching Fund Program; to change provisions relating to the lease of dark fiber; to terminate a fund; to provide a term of service for certain Rural Broadband Task Force members; to harmonize provisions; to repeal the original sections; and to outright repeal section 86-580, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Broadband Internet Service Infrastructure Act.

Sec. 2. For purposes of the Broadband Internet Service Infrastructure Act:

(1) Attached facility means a broadband facility or a broadband network, or any portion of a broadband network, located substantially:

(a) Aboveground and attached to an electric utility's electric service infrastructure; or

(b) Underground in an electric utility easement and existing before the delivery of notice pursuant to section 3 of this act;

(2) Commercial broadband service means broadband service as such term is defined in 7 U.S.C. 950bb(b)(1), as such section existed on January 1, 2020, or broadband Internet service;

(3)(a) Commercial broadband supplier means:

(i) A provider of commercial broadband services; or

(ii) A person that directly or indirectly sells, leases, or otherwise transfers an attached facility or a right to install, operate, maintain, or use an attached facility for another person's provision of commercial broadband service or a person that intends to sell, lease, or otherwise transfer an attached facility or a right to install, operate, maintain, or use an attached facility; and

(b) Commercial broadband supplier does not include an electric utility;

(4) Electric utility easement means a recorded or unrecorded easement, right-of-way, or similar right in or to real property, including prescriptive rights, no matter how acquired, held by an electric utility for the siting of electric service infrastructure or for the purpose of delivering electric service, regardless of whether:

(a) The easement or other right is exclusively for the provision of electric service or for use in connection with commercial broadband service, telecommunications service, or another purpose; or
The electric utility or a commercial broadband supplier uses the easement or other right to provide commercial broadband service;

Electric utility means any entity defined in subdivision (8) of section 70-601;

Interest holder means a property owner or other person with an interest in the real property upon which an electric utility easement is located;

Memorandum means a written instrument that includes, at a minimum, the name and address of the electric utility, the date on which the notice was mailed, and the information required to be included in a notice;

Notice means a written letter substantially complying with the requirements set forth in subdivision (2)(b) of section 3 of this act, which notice shall be deemed delivered on the date postmarked or otherwise time stamped;

Person means an individual, firm, partnership, company, corporation, trust, limited liability company, association, joint venture, or any other legal entity;

Property owner means a person with a recorded interest in real property upon which an electric utility easement is located; and

Request for notice means a written instrument recorded by an interest holder in compliance with the requirements set forth in subdivision (2)(c) of section 3 of this act.

Sec. 3. (1) For real property subject to an electric utility easement, if an electric utility, or any commercial broadband supplier designated by the electric utility to act on its behalf, complies with the notice and filing requirements set forth in subsection (2) of this section, the electric utility holding the electric utility easement may, subject to subsection (4) of this section and without the consent of an interest holder in the real property subject to the electric utility easement, take the following actions to the extent not already permitted
by the electric utility easement:

(a) Install, maintain, or own, or permit any commercial broadband
supplier to install, maintain, or own, an attached facility for operation
by a commercial broadband supplier in providing commercial broadband
service; and

(b) Lease or otherwise provide to a commercial broadband supplier
any excess capacity of attached facilities for purposes of providing
commercial broadband service.

(2)(a) At least thirty days before first exercising an action under
one or both of subdivision (1)(a) or (1)(b) of this section with respect
to an electric utility easement or portion of an electric utility
easement, an electric utility or its designated commercial broadband
supplier shall send notice to each property owner that holds an interest
in the real property subject to the electric utility easement and any
other interest holder that has recorded a request for notice and shall
record a memorandum in the office of the county clerk in each county in
which the electric utility is exercising action under subsection (1) of
this section. An electric utility or its designated commercial broadband
supplier may only commence an action under subsection (1) of this section
upon delivery of such notice.

(b) Notice pursuant to this subsection shall:

(i) Be sent by certified mail from or on behalf of the electric
utility to the property owner and any interest holder that has recorded a
request for notice at each of the following, as applicable:

(A) The last-known address for the property owner based on the
electric utility's records;

(B) The address listed for the property owner in the records of the
office of the county assessor; and

(C) The address set forth in a request for notice;

(ii) Include the name, address, telephone number, and named point of
contact for the electric utility and, if delivered by a commercial
broadband supplier designated by the electric utility, the name, address, telephone number, and named point of contact for the designated commercial broadband supplier;

(iii) Include the property address, the recording number, if any, of the electric utility easement or recorded memorandum of the electric utility easement, a general description of any existing electric service infrastructure currently located in the electric utility easement, and the approximate location of the electric utility easement;

(iv) Include:

(A) A reference to the Broadband Internet Service Infrastructure Act; and

(B) A copy of the language of subsection (1) of this section with an indication of whether the electric utility is exercising action under one or both of subdivision (1)(a) or (1)(b) of this section;

(v) Give an estimated time for the start of installation or construction with regard to any new installation or construction that will occur in connection with the exercise of action under subsection (1) of this section;

(vi) Include a statement regarding the right and obligation of the electric utility, or its designated commercial broadband supplier, to record a memorandum; and

(vii) Include a statement regarding the statute of limitations for the interest holder to file a claim with respect to the electric utility's exercise of action.

(c) An interest holder that desires to obtain notice at a specific address may file in the office of the county clerk for the county in which the real property is located a request for notice that identifies the interest holder's name and address, the instrument granting the interest holder's interest in the property, and the recording number of the instrument or a recorded memorandum of the instrument.

(3) Upon exercise of an action set forth in subsection (1) of this
section, such action runs with the land and is assignable by the electric
utility, subject to provisions of law.

(4) The terms and conditions of a written electric utility easement
apply to an electric utility's use of the electric utility easement set
forth in subsection (1) of this section, except for those terms and
conditions that would prohibit the electric utility's exercise of action
under subsection (1) of this section. A prohibition on aboveground
electric service infrastructure contained within a written electric
utility easement constitutes a prohibition on aboveground attached
facilities. In connection with the exercise of such action under
subsection (1) of this section, an electric utility or its designated
commercial broadband supplier shall comply with any notice requirements
contained in a written electric utility easement held by the electric
utility related to entering the real property subject to the electric
utility easement or commencing any construction or installation on the
real property.

(5) Nothing in this section requires an electric utility to comply
with subsection (2) of this section in order to take any action or
exercise any rights under an electric utility easement that is already
permitted within the scope of the electric utility easement. Unless
expressly prohibited by the terms of an electric utility easement, an
electric utility easement shall be deemed to allow an electric utility to
install, maintain, own, permit, lease, or provide, or allow a third party
to install, maintain, own, or provide for beneficial use by the electric
utility, telecommunications facilities and equipment for use in
connection with the electric utility's provision of electricity.

Sec. 4. (1)(a) No claim or cause of action against an electric
utility or a commercial broadband supplier concerning the electric
utility's or commercial broadband supplier's exercise of action under
section 3 of this act or any actions that the electric utility or
commercial broadband supplier takes before the effective date of this act
that, if taken after the effective date of this act, would be authorized
under subsection (1) of section 3 of this act may be brought by or on
behalf of an interest holder more than two years after the latest of:

(i) The effective date of this act;

(ii) The date of delivery of notice pursuant to subsection (2) of
section 3 of this act; or

(iii) The date of recording of a memorandum pursuant to subsection
(2) of section 3 of this act.

(b) Subdivision (1)(a) of this section does not apply to a claim or
cause of action based on:

(i) Physical damage to property;

(ii) Injury to natural persons; or

(iii) Breach of the terms and conditions of a written electric
easement as the terms and conditions apply in accordance with subsection
(4) of section 3 of this act.

(c) Nothing in this section extends the statute of limitations
applicable to a claim or revives an expired claim.

(2) A claim or cause of action to which subdivision (1)(a) of this
section applies shall not be brought by or on behalf of an interest
holder against a commercial broadband supplier for notice provided by the
commercial broadband supplier on behalf of an electric utility under
subsection (2) of section 3 of this act. Nothing in this subsection
prohibits an electric utility and a commercial broadband supplier from
contracting to allocate liability for notice required under subsection
(2) of section 3 of this act.

(3) If an interest holder brings a trespass claim, inverse
trespass claim, or any other claim or cause of action to which
subdivision (1)(a) of this section applies for an electric utility's or
commercial broadband supplier's performance of actions described in
subdivision (1)(a) or (1)(b) of section 3 of this act, the following
applies to the claim or cause of action:
(a) The measure of damages for all claims or causes of action to which subdivision (1)(a) of this section applies, taken together, is the fair market value of the reduction in value of the interest holder's interest in the real property. In determining or providing the fair market value under this subdivision (a):

(i) The following shall not be used and are not admissible as evidence in any proceeding:

(A) Profits, fees, or revenue derived from the attached facilities; or

(B) The rental value of the real property interest or the electric easement, including the rental value of any attached facilities or an assembled broadband corridor; and

(ii) Consideration must be given to any increase in value to the real property interest resulting from the availability of commercial broadband service to the real property underlying the real property interest that arises from the installation of attached facilities.

(b) The interest holder shall make reasonable accommodations for the electric utility or commercial broadband supplier to perform an appraisal or inspection of the real property within ninety days following any written request for an appraisal or inspection. If an interest holder fails to make such accommodations, the electric utility or commercial broadband supplier has no further liability to the interest holder with respect to such claim or cause of action. The electric utility or commercial broadband supplier shall promptly provide to the interest holder a copy of any appraisal performed pursuant to this subdivision (b).

(c) Any damages for any claims or causes of action to which subdivision (1)(a) of this section applies:

(i) Are limited to those damages that existed at the time the electric utility or commercial broadband supplier first performed the actions; and
(ii) Shall not be deemed to continue, accrue, or accumulate.

(d) With regard to a claim or cause of action to which subdivision (1)(a) of this section applies:

(i) Except for an electric utility's or commercial broadband supplier's failure to comply with subsection (2) of section 3 of this act, negligence, or willful misconduct, or in accordance with the terms and conditions of a written electric utility easement as such apply in accordance with subsection (4) of section 3 of this act, an interest holder is not entitled to reimbursement from an electric utility or commercial broadband supplier for the cost of any appraisal, attorney fees, or award for special, consequential, indirect, or punitive damages; and

(ii) For purposes of this subdivision (d), any action or failure to act by an electric utility or commercial broadband supplier in furtherance of the electric utility's or commercial broadband supplier's exercise of action set forth in subsection (1) of section 3 of this act shall not be deemed negligence or willful misconduct.

(4) By accepting a damage award for any claim or cause of action to which subsection (1)(a) of this section applies, an interest holder shall be deemed to have granted an increase in the scope of the electric easement, equal in duration to the term of the electric utility easement and subject to this section, to the extent of the interest holder's rights in the real property, for all of the uses of the real property and actions set forth in subsection (1) of section 3 of this act.

Sec. 5. (1) An electric utility that exercises any action under subdivision (1)(a) or (1)(b) of section 3 of this act for the provision of commercial broadband service shall:

(a) Not discriminate among commercial broadband suppliers in offering or granting rights to install or attach any attached facilities; or

(b) Charge fees that are nondiscriminatory among commercial
broadband suppliers for a substantially similar lease or use of the
capacity of attached facilities owned or controlled by the electric
utility, but only to the extent an electric utility chooses, in its sole
discretion, to offer the lease or use to a particular commercial
broadband supplier.

(2) Nothing in this section requires an electric utility to offer or
grant a right to access or use an electric utility easement or to use
attached facilities or electric service infrastructure owned or
controlled by the electric utility in a manner that would, in the
electric utility's reasonable discretion, materially interfere with the
electric utility's construction, maintenance, or use of any electric
utility infrastructure for the provision of electric service.

(3) Nothing in the Broadband Internet Service Infrastructure Act:

(a) Is intended to subject an electric utility to regulation by the
Federal Communications Commission;

(b) Constitutes an exercise of, or an obligation or intention to
exercise, the right of the state under 47 U.S.C. 224 (c), as such section
existed on January 1, 2020, to regulate the rates, terms, and conditions
for pole attachments as defined in 47 U.S.C. 224 (a)(4), as such section
existed on January 1, 2020;

(c) Constitutes a certification, or an obligation or intention to
certify, to the Federal Communications Commission under 47 U.S.C. 224, as
such section existed on January 1, 2020; or

(d) Prevents the parties involved from filing a claim or cause of
action in any court of competent jurisdiction for any dispute arising
under the Broadband Internet Service Infrastructure Act.

Sec. 6. (1) It is the intent of the Legislature to encourage local
and regional broadband planning, and to encourage public-private
partnerships to enhance broadband services in unserved and underserved
areas of the state.

(2) The position of state broadband coordinator is created. The
position will be located in the office of the Chief Information Officer.

The coordinator shall:

(a) Encourage each county or region comprising a group of counties to appoint a broadband coordinator to facilitate broadband planning and coordination;

(b) Encourage each county or region to work with groups of stakeholders, which may include, but not be limited to, businesses and industries, community foundations, local governments, local or regional economic development organizations, schools, colleges, other educational entities, public libraries, health care institutions, financial institutions, telecommunications providers, public power districts, electric cooperatives, nonprofit organizations, and other interested entities;

(c) Assist such counties, regions, and stakeholders in determining what broadband assets are available, the areas for improvement, and strategies to improve broadband availability and use; and

(d) Explore the creation of broadband cooperatives in unserved or underserved areas of the state.

Sec. 7. (1) It is the intent of the Legislature to better utilize public libraries in providing Internet and computer access to students and the general public in unserved and underserved areas or in areas with a high percentage of students who have limited or no access to the Internet. The Legislature finds that the E-Rate Schools and Libraries Program of the Universal Service Fund program for subsidized service to public libraries is underutilized and that many public libraries need support for technological services, upgrades, digital literacy training, and E-Rate filings.

(2) The Nebraska Library Commission shall employ four regional technicians who shall be employed by the commission. The technicians shall provide technical support for public libraries across the state as directed by the commission.
Sec. 8.  (1) The Public Service Commission shall establish the Nebraska E-Rate Special Construction Matching Fund Program. Beginning July 1, 2021, the program shall receive funding from the Nebraska Telecommunications Universal Service Fund to provide incentives for fiber optic cable to be constructed to benefit public libraries.

   (2) The commission shall establish criteria and priorities for funding by establishing a support mechanism for eligible telecommunications carriers to deploy fiber optic cable for the benefit of public library access to E-Rate special construction matching funding.

   (3) The commission may use its discretion in determining the amount of funding required to be contributed by any public library in order to receive matching funds from the program.

Sec. 9. Section 75-109.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-109.01 Except as otherwise specifically provided by law, the Public Service Commission shall have jurisdiction, as prescribed, over the following subjects:

   (1) Common carriers, generally, pursuant to sections 75-101 to 75-158;

   (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;

   (3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

   (4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;

   (5) Motor carrier registration and safety pursuant to sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

   (6) Pipeline carriers and rights-of-way pursuant to the Major Oil Pipeline Siting Act, the State Natural Gas Regulation Act, and sections 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with the provisions of the Major Oil Pipeline Siting Act, the provisions of
the Major Oil Pipeline Siting Act control;

(7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;

(8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to 86-580;

(9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;

(10) Water service pursuant to the Water Service Regulation Act; and

(11) Jurisdictional utilities governed by the State Natural Gas Regulation Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

Sec. 10. Section 86-127, Reissue Revised Statutes of Nebraska, is amended to read:

86-127 (1) One of the goals of the federal Telecommunications Act of 1996, as such act existed on January 1, 2002, is to foster competition among telephone companies. Section 271 of the federal act (a) establishes specific incentives, procedures, and requirements for regional Bell operating companies to offer inter-LATA interexchange service and (b) requires the Public Service Commission to monitor the competitive performance of a regional Bell operating company and to consult with the Federal Communications Commission regarding such activities.

(2) The Nebraska Competitive Telephone Marketplace Fund is created. The Public Service Commission may accept, and the fund shall consist of, any voluntary performance payments received from a regional Bell operating company. The fund shall be used by the commission for expenses
related to the monitoring of compliance with section 271 of the federal act. If money in the fund exceeds thirty thousand dollars, the commission shall remit such excess money to the State Treasurer for credit to the Nebraska Telecommunications Universal Service Internet Enhancement Fund, except that transfers may be made from the Nebraska Competitive Telephone Marketplace Fund to the General Fund at the direction of the Legislature. Any money in the Nebraska Competitive Telephone Marketplace Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 11. Section 86-577, Reissue Revised Statutes of Nebraska, is amended to read:

86-577 Any agency or political subdivision of the state may lease its dark fiber if:

(1) The lessee is a certificated telecommunications common carrier or a permitted telecommunications contract carrier pursuant to section 86-128 or an Internet service provider;

(2) The lease price and profit distribution is approved by the Public Service Commission as follows:

(a) The commission shall not approve any lease price which is less than the market rate for leasing such fiber as determined by the commission. The market rate is the price associated with similar unbundled network elements that may be available from the incumbent local exchange carrier or the price of any other private entity leasing dark fiber optic facilities serving the same or similar territory where the leased equipment is located. The commission shall establish a safe harbor range of market rates for such leases using a competitive price determination. Before entering into a lease, each agency or political subdivision shall file a request with the commission for a competitive price comparison to determine the market rate. When conducting a competitive price determination, the commission in its
discretion shall use rate schedules, interconnection agreements, or other
documents within its regulatory oversight and shall gather other market
rate information as deemed necessary;

(b) If the lease submitted utilizes rates within the safe harbor
range, the commission shall publish the application within five business
days of receipt and allow fourteen business days for any objection to be
filed. If no objection is filed within fourteen business days, the lease
shall be deemed approved. If an objection is filed, the commission shall
hold a hearing to determine whether the lease meets the market rate. The
commission shall not approve any lease price which is agreed upon by the
agency or political subdivision and the lessee unless the lease requires
that the agency or political subdivision be solely responsible for the
maintenance of its dark fiber and that the lessee be responsible, on a
pro rata basis, for any such maintenance costs; and

(c) The commission shall not approve any lease unless fifty percent
of the profit earned by the agency or political subdivision under the
lease is remitted to the Nebraska Telecommunications Universal Service
Internet Enhancement Fund. Profit earned by the agency or political
subdivision is the lease price less the cost of infrastructure
overbuilding. Before entering into a lease, each agency or political
subdivision shall file a request with the commission to determine the
cost of overbuilding its fiber optic infrastructure. For purposes of this
subdivision, cost of infrastructure overbuilding means the cost of each
leased optic fiber, including the cost, on a pro rata basis, associated
with the agency's or political subdivision's installation of such fiber;

(3) Any interconnection agreement subject to section 86-122 is
approved by the commission; and

(4) The lessee makes every reasonable effort to activate the maximum
amount of the leased fiber as is possible, within one year after entering
into the lease, unless good cause is shown.

Sec. 12. Section 86-579, Revised Statutes Cumulative Supplement,
2018, is amended to read:

86-579 The Nebraska Internet Enhancement Fund is created. The fund shall be used to provide financial assistance to install and deliver broadband or other advanced telecommunications infrastructure and service throughout the state. It is the intent of the Legislature that two hundred fifty thousand dollars shall be appropriated to the fund to be used for startup costs and seed money for FY2001-02. The Public Service Commission may receive gifts, contributions, property, and equipment from public and private sources for purposes of the fund. The fund shall consist of money appropriated by the Legislature, any money transferred pursuant to section 86-127, and gifts, grants, or bequests from any source, including money remitted to the fund pursuant to section 86-577 and any other federal, state, public, and private sources. Money in the fund shall be distributed by the commission pursuant to section 86-580. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the Nebraska Internet Enhancement Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The fund terminates on June 30, 2021, and the State Treasurer shall transfer any unencumbered money in the fund on such date to the Nebraska Telecommunications Universal Service Fund.

The State Treasurer shall transfer one hundred thousand dollars from the Nebraska Internet Enhancement Fund to the General Fund on or before July 15, 2003.

The State Treasurer shall transfer fifty thousand dollars from the Nebraska Internet Enhancement Fund to the Rural Broadband Task Force Fund on or before July 15, 2018.

Sec. 13. Section 86-1102, Revised Statutes Cumulative Supplement, 2018, is amended to read:

86-1102 (1) The Rural Broadband Task Force is hereby created. Task force members shall include the chairperson of the Transportation and
Telecommunications Committee of the Legislature and a member of the Legislature selected by the Executive Board of the Legislative Council who shall both serve as nonvoting, ex officio members, a member of the Public Service Commission who shall be selected by the chairperson of such commission, the chairperson of the Nebraska Information Technology Commission or his or her designee who shall act as chairperson of the task force, the Director of Economic Development or his or her designee, the Director of Agriculture or his or her designee, and the following members to be appointed by the Governor: A representative of the agribusiness community, a representative of the Nebraska business community, a representative of the regulated wireline telecommunications industry, a representative of the wireless telecommunications industry, a representative of the public power industry, a representative of health care providers, a representative of Nebraska postsecondary educational institutions, and a representative of rural schools offering kindergarten through grade twelve. The members appointed by the Governor shall serve for a term of two years and may be reappointed.

(2) The task force may appoint advisory groups to assist the task force in providing technical expertise and advice on any issue. The advisory groups may be composed of representatives of stakeholder groups which may include, but not necessarily be limited to, representatives from small and large wireline companies, wireless companies, public power districts, electric cooperative corporations, cable television companies, Internet service providers, low-income telecommunications and electric utility customers, health care providers, and representatives of educational sectors. No compensation or expense reimbursement shall be provided to any member of any advisory group appointed by the task force.

(3) The Nebraska Information Technology Commission shall provide staff assistance to the task force in consultation with staff from the Public Service Commission and other interested parties. The task force may hire consultants to assist in carrying out its duties. The task force
shall review issues relating to availability, adoption, and affordability of broadband services in rural areas of Nebraska. In particular, the task force shall:

(a) Determine how Nebraska rural areas compare to neighboring states and the rest of the nation in average download and upload speeds and in subscription rates to higher speed tiers, when available;

(b) Examine the role of the Nebraska Telecommunications Universal Service Fund in bringing comparable and affordable broadband services to rural residents and any effect of the fund in deterring or delaying capital formation, broadband competition, and broadband deployment;

(c) Review the feasibility of alternative technologies and providers in accelerating access to faster and more reliable broadband service for rural residents;

(d) Examine alternatives for deployment of broadband services to areas that remain unserved or underserved, such as reverse auction programs described in section 86-330, public-private partnerships, funding for competitive deployment, and other measures, and make recommendations to the Public Service Commission to encourage deployment in such areas;

(e) Recommend state policies to effectively utilize state universal service fund dollars to leverage federal universal service fund support and other federal funding;

(f) Make recommendations to the Governor and Legislature as to the most effective and efficient ways that federal broadband rural infrastructure funds received after July 1, 2018, should be expended if such funds become available; and

(g) Determine other issues that may be pertinent to the purpose of the task force.

(4) Task force members shall serve on the task force without compensation but shall be entitled to receive reimbursement for any actual expenses incurred for such service as provided in sections 81-1174
(5) The task force shall meet at the call of the chairperson and shall present its findings in a report to the Executive Board of the Legislative Council no later than November 1, 2019, and by November 1 every odd-numbered year thereafter. The report shall be submitted electronically.

(6) For purposes of this section, broadband services means high-speed telecommunications capability at a minimum download speed of twenty-five megabits per second and a minimum upload speed of three megabits per second, and that enables users to originate and receive high-quality voice, data, and video telecommunications using any technology.

Sec. 14. Original sections 75-109.01, 86-127, and 86-577, Reissue Revised Statutes of Nebraska, and sections 86-579 and 86-1102, Revised Statutes Cumulative Supplement, 2018, are repealed.

Sec. 15. The following section is outright repealed: Section 86-580, Reissue Revised Statutes of Nebraska.