

AMENDMENTS TO LB683

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 66-4,100, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 66-4,100 The Highway Cash Fund and the Roads Operations Cash Fund
6 are hereby created. If bonds are issued pursuant to subsection (2) of
7 section 39-2223, the balance of the share of the Highway Trust Fund
8 allocated to the Department of Transportation and deposited into the
9 Highway Restoration and Improvement Bond Fund as provided in subsection
10 (6) of section 39-2215 and the balance of the money deposited in the
11 Highway Restoration and Improvement Bond Fund as provided in section
12 39-2215.01 shall be transferred by the State Treasurer, on or before the
13 last day of each month, to the Highway Cash Fund. If no bonds are issued
14 pursuant to subsection (2) of section 39-2223, the share of the Highway
15 Trust Fund allocated to the Department of Transportation shall be
16 transferred by the State Treasurer on or before the last day of each
17 month to the Highway Cash Fund.

18 The Legislature may direct the State Treasurer to transfer funds
19 from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds
20 shall be expended by the department (1) for acquiring real estate, road
21 materials, equipment, and supplies to be used in the construction,
22 reconstruction, improvement, and maintenance of state highways, (2) for
23 the construction, reconstruction, improvement, and maintenance of state
24 highways, including grading, drainage, structures, surfacing, roadside
25 development, landscaping, and other incidentals necessary for proper
26 completion and protection of state highways as the department shall,
27 after investigation, find and determine shall be for the best interests

1 of the highway system of the state, either independent of or in
2 conjunction with federal-aid money for highway purposes, (3) for the
3 share of the department of the cost of maintenance of state aid bridges,
4 (4) for planning studies in conjunction with federal highway funds for
5 the purpose of analyzing traffic problems and financial conditions and
6 problems relating to state, county, township, municipal, federal, and all
7 other roads in the state and for incidental costs in connection with the
8 federal-aid grade crossing program for roads not on state highways, (5)
9 for tests and research by the department or proportionate costs of
10 membership, tests, and research of highway organizations when
11 participated in by the highway departments of other states, (6) for the
12 payment of expenses and costs of the Board of Examiners for County
13 Highway and City Street Superintendents as set forth in section 39-2310,
14 (7) for support of the public transportation assistance program
15 established under section 13-1209 and the intercity bus system assistance
16 program established under section 13-1213,—and (8) for purchasing from
17 political or governmental subdivisions or public corporations, pursuant
18 to section 39-1307, any federal-aid transportation funds available to
19 such entities, and (9) for furnishing the Nebraska Broadband Office with
20 necessary office space, furniture, equipment, and supplies as well as
21 providing administrative and budgetary support, including salaries for
22 professional, technical, and clerical assistants, as provided in section
23 2 of this act.

24 Any money in the Highway Cash Fund and the Roads Operations Cash
25 Fund not needed for current operations of the department shall, as
26 directed by the Director-State Engineer to the State Treasurer, be
27 invested by the state investment officer pursuant to the Nebraska Capital
28 Expansion Act and the Nebraska State Funds Investment Act, subject to
29 approval by the board of each investment. All income received as a result
30 of such investment shall be placed in the Highway Cash Fund.

31 Transfers may be made from the Roads Operations Cash Fund to the

1 General Fund at the direction of the Legislature through June 30, 2019.
2 The State Treasurer shall transfer seven million five hundred thousand
3 dollars from the Roads Operations Cash Fund to the General Fund on or
4 before June 30, 2018, on such date as directed by the budget
5 administrator of the budget division of the Department of Administrative
6 Services. The State Treasurer shall transfer seven million five hundred
7 thousand dollars from the Roads Operations Cash Fund to the General Fund
8 on or after July 1, 2018, but on or before June 30, 2019, on such date as
9 directed by the budget administrator of the budget division of the
10 Department of Administrative Services.

11 Sec. 2. (1) The Department of Transportation shall furnish the
12 Nebraska Broadband Office with necessary office space, furniture,
13 equipment, and supplies along with administrative and budgetary support,
14 including salaries for professional, technical, and clerical assistants,
15 except as limited in subsection (2) of this section. The Department of
16 Transportation and the Nebraska Broadband Office shall, whenever
17 practicable, seek reimbursement of such costs from federal-aid funds to
18 the extent such costs are eligible for reimbursement.

19 (2) Broadband installation, operation, or maintenance projects of
20 the Nebraska Broadband Office shall not be funded by the Department of
21 Transportation, except as provided in subsection (3) of this section.
22 Such restriction shall not apply to any fund or appropriation of the
23 Legislature that has been specifically designated for projects of the
24 Nebraska Broadband Office.

25 (3) The Department of Transportation may use state highway funds for
26 projects to install, operate, and maintain fiber optic, broadband, or
27 other similar technology infrastructure on state highway property solely
28 to meet the state's present and future transportation technology needs
29 along the state highway system. The department is further authorized to
30 enter into public-private partnerships, or to use other alternative
31 project delivery methods set out in the Transportation Innovation Act.

1 The department is authorized to work with the Nebraska Broadband Office
2 for such projects and to seek or solicit the use of eligible federal
3 highway funds to pay some or all of the state's costs for such projects.
4 Nothing in this subsection authorizes the department to own, operate,
5 manage, construct, or maintain fiber optic, broadband, or other similar
6 technology outside of state highway property.

7 Sec. 3. Section 86-331, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 86-331 (1) It is the intent of the Legislature to ensure that all
10 federal, state, and local government funding for broadband infrastructure
11 and services in Nebraska be leveraged strategically to ensure that all
12 Nebraskans have access to affordable, reliable broadband services before
13 January 1, 2028. To accomplish this intent, the Nebraska Broadband Office
14 is created. The office shall be headed by the Director of Broadband. The
15 director shall be appointed by and serve at the pleasure of the Governor
16 with the approval of a majority of the Legislature. For administrative
17 and budgetary purposes, the Nebraska Broadband Office shall be located in
18 the Department of Transportation. All administrative and budgetary
19 decisions for the Nebraska Broadband Office shall be made by the Director
20 of Broadband.

21 (2) The Nebraska Broadband Office shall:

22 (a) Through active outreach, collaborate with officials at all
23 levels of government and with stakeholders, which may include, but not be
24 limited to, businesses and industries, community foundations, local
25 governments, local or regional economic development organizations,
26 schools, colleges, other educational entities, public libraries, health
27 care institutions, financial institutions, agricultural producers,
28 telecommunications providers, public power districts, electric
29 cooperatives, nonprofit organizations, and other interested entities;

30 (b) Through such collaboration, develop a strategic plan that
31 maximizes the use of public and private resources and encourages

1 innovative models for ownership of infrastructure that is used for both
2 private and public purposes;

3 (c) Direct the coordination among state agencies, boards, and
4 commissions on policy matters affecting use of federal or state funding
5 for broadband infrastructure deployment, operation, and maintenance;

6 (d) Conduct state advocacy on broadband issues at the federal level,
7 including the accuracy of federal mapping and speed data;

8 (e) Ensure that all governmental funding is utilized in a cost-
9 effective and accountable manner for Nebraska broadband projects;

10 (f) Oversee the coordination of programs for broadband users, such
11 as libraries and schools, and digital equity and inclusion projects;

12 (g) Provide resources and assistance for local and regional
13 broadband planning; and

14 (h) Provide resources and information to the public through a
15 website and other communication modes.

16 (3) If any final decision of the Nebraska Broadband Office relating
17 to funding for broadband projects is appealed to district court, the
18 appeal shall, except as to cases the court considers of greater
19 importance, take precedence on the trial docket over all other cases and
20 shall be assigned for hearing, trial, or argument at the earliest
21 practicable date and expedited in every way.

22 (4)(a) On or before December 1 of each year, the Nebraska Broadband
23 Office shall file with the Clerk of the Legislature an annual report on
24 the status of broadband within the State of Nebraska. The report shall:

25 (i) Describe the status of all publicly administered broadband
26 deployment programs, including the number of projects funded through
27 October of the report year;

28 (ii) Describe the quality of broadband service being provided to
29 Nebraska residents;

30 (iii) Provide any updates to the strategic plan developed under
31 subdivision (2)(b) of this section;

1 (iv) Summarize the Nebraska Broadband Office's outreach efforts and
2 collaboration with all interested stakeholders;

3 (v) Provide an update on efforts to promote digital equity and
4 inclusion on behalf of Nebraska residents; and

5 (vi) Provide an update on state advocacy on broadband issues being
6 conducted at the federal level.

7 (b) Upon receipt of such report, the Transportation and
8 Telecommunications Committee of the Legislature shall hold a public
9 hearing to allow an opportunity for public comment on the report.

10 ~~(1) It is the intent of the Legislature to encourage local and~~
11 ~~regional broadband planning and to encourage public-private partnerships~~
12 ~~to enhance broadband services in unserved and underserved areas of the~~
13 ~~state.~~

14 ~~(2) The position of state broadband coordinator is created. The~~
15 ~~position shall be located in the office of Chief Information Officer. The~~
16 ~~coordinator shall:~~

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

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

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

31 ~~(d) Explore the creation of broadband cooperatives in unserved or~~

1 ~~underserved areas of the state.~~

2 Sec. 4. Section 86-333, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 86-333 (1) The Nebraska Broadband Office ~~Public Service Commission~~
5 may create and maintain an official Nebraska location fabric broadband
6 access map showing broadband availability and quality of service for all
7 serviceable locations in Nebraska utilizing any federal funding that is
8 made available for such purpose. For purposes of this section,
9 serviceable location means any residence, dwelling, business, or building
10 where an entity provides or may provide broadband services.

11 (2) The Nebraska Broadband Office ~~Public Service Commission~~ may
12 contract with private parties to create, improve, and maintain the map.
13 When contracting with private parties, the office ~~Public Service~~
14 ~~Commission~~ shall give preference to contractors providing mapping
15 services to the Federal Communications Commission. The office ~~Public~~
16 ~~Service Commission~~ may collect from providers of broadband services any
17 information necessary to establish and update the map. Any information
18 provided to the office ~~Public Service Commission~~ by a provider of
19 broadband services pursuant to this section that is confidential,
20 proprietary, or a trade secret as defined in section 87-502 shall be
21 treated as such by the office ~~Public Service Commission~~.

22 (3) Any recipient of support from the Nebraska Telecommunications
23 Universal Service Fund shall comply with the provisions of this section.
24 Any grant recipient under the Nebraska Broadband Bridge Act, including
25 any entity that operates as an eligible telecommunications carrier in
26 Nebraska as defined in section 86-1302 that wishes to participate in the
27 Broadband Bridge Program created under section 86-1303, either directly
28 or as a challenging party under section 86-1307, shall comply with the
29 provisions of this section. Any grant recipient of federal broadband
30 funding administered by the Nebraska Broadband Office ~~Public Service~~
31 ~~Commission~~ shall comply with the provisions of this section.

1 (4) After the Federal Communications Commission completes the
2 national Broadband Serviceable Location Fabric and accompanying National
3 Broadband Availability Map, the Nebraska Broadband Office ~~Public Service~~
4 ~~Commission~~ shall annually evaluate whether the continued maintenance of
5 any annually updated Nebraska location fabric broadband access map
6 created and maintained in accordance with this section is necessary. The
7 ~~office Public Service Commission~~ shall report its annual findings
8 pursuant to this subsection to the Transportation and Telecommunications
9 Committee of the Legislature.

10 (5) The Nebraska Broadband Office ~~Public Service Commission~~ shall
11 utilize funding provided by the federal Broadband Equity, Access, and
12 Deployment Program authorized under the federal Infrastructure Investment
13 and Jobs Act, Public Law 117-58, to carry out this section.

14 Sec. 5. Section 86-1103, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 86-1103 The Rural Broadband Task Force Fund is created. The fund
17 shall be used to carry out the purposes of the Rural Broadband Task Force
18 as described in section 86-1102 ~~and to provide for a state broadband~~
19 ~~coordinator~~. For administrative purposes, the fund shall be located in
20 the Nebraska Information Technology Commission. The fund shall consist of
21 money appropriated or transferred by the Legislature and gifts, grants,
22 or bequests from any source, including federal, state, public, and
23 private sources. Any money in the fund available for investment shall be
24 invested by the state investment officer pursuant to the Nebraska Capital
25 Expansion Act and the Nebraska State Funds Investment Act.

26 Sec. 6. Section 86-1309, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 86-1309 (1) The Nebraska Broadband Bridge Fund is created. The fund
29 shall consist of money appropriated by the Legislature and federal funds
30 designated by the Governor ~~received~~ for broadband enhancement purposes.
31 The commission shall administer the fund and use the fund to finance

1 grants for qualifying projects under the Nebraska Broadband Bridge Act
2 and for expenses of the commission as appropriated by the Legislature for
3 administering the fund. ~~Any federal funds which are used for purposes of~~
4 ~~the act shall be in addition to the state General Funds appropriated for~~
5 ~~purposes of the act. Such federal funds shall not be used as a~~
6 ~~substitution for any such state General Funds.~~

7 (2) Any money in the Nebraska Broadband Bridge Fund available for
8 investment shall be invested by the state investment officer pursuant to
9 the Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act.

11 Sec. 7. Original section 66-4,100, Reissue Revised Statutes of
12 Nebraska, and sections 86-331, 86-333, 86-1103, and 86-1309, Revised
13 Statutes Cumulative Supplement, 2022, are repealed.

14 Sec. 8. Since an emergency exists, this act takes effect when
15 passed and approved according to law.