AMENDMENTS TO LB683

Introduced by Transportation and Telecommunications.

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

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

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

The Legislature may direct the State Treasurer to transfer funds from the Highway Cash Fund to the Roads Operations Cash Fund. Both funds shall be expended by the department (1) for acquiring real estate, road materials, equipment, and supplies to be used in the construction, reconstruction, improvement, and maintenance of state highways, (2) for the construction, reconstruction, improvement, and maintenance of state highways, including grading, drainage, structures, surfacing, roadside development, landscaping, and other incidentals necessary for proper completion and protection of state highways as the department shall, after investigation, find and determine shall be for the best interests...
of the highway system of the state, either independent of or in conjunction with federal-aid money for highway purposes, (3) for the share of the department of the cost of maintenance of state aid bridges, (4) for planning studies in conjunction with federal highway funds for the purpose of analyzing traffic problems and financial conditions and problems relating to state, county, township, municipal, federal, and all other roads in the state and for incidental costs in connection with the federal-aid grade crossing program for roads not on state highways, (5) for tests and research by the department or proportionate costs of membership, tests, and research of highway organizations when participated in by the highway departments of other states, (6) for the payment of expenses and costs of the Board of Examiners for County Highway and City Street Superintendents as set forth in section 39-2310, (7) for support of the public transportation assistance program established under section 13-1209 and the intercity bus system assistance program established under section 13-1213, and (8) for purchasing from political or governmental subdivisions or public corporations, pursuant to section 39-1307, any federal-aid transportation funds available to such entities, and (9) for furnishing the Nebraska Broadband Office with necessary office space, furniture, equipment, and supplies as well as providing administrative and budgetary support, including salaries for professional, technical, and clerical assistants, as provided in section 2 of this act.

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

Transfers may be made from the Roads Operations Cash Fund to the
General Fund at the direction of the Legislature through June 30, 2019. The State Treasurer shall transfer seven million five hundred thousand dollars from the Roads Operations Cash Fund to the General Fund on or before June 30, 2018, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services. The State Treasurer shall transfer seven million five hundred thousand dollars from the Roads Operations Cash Fund to the General Fund on or after July 1, 2018, but on or before June 30, 2019, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

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

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

(3) The Department of Transportation may use state highway funds for projects to install, operate, and maintain fiber optic, broadband, or other similar technology infrastructure on state highway property solely to meet the state's present and future transportation technology needs along the state highway system. The department is further authorized to enter into public-private partnerships, or to use other alternative project delivery methods set out in the Transportation Innovation Act.
The department is authorized to work with the Nebraska Broadband Office for such projects and to seek or solicit the use of eligible federal highway funds to pay some or all of the state's costs for such projects. Nothing in this subsection authorizes the department to own, operate, manage, construct, or maintain fiber optic, broadband, or other similar technology outside of state highway property.

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

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

(2) The Nebraska Broadband Office shall:

(a) Through active outreach, collaborate with officials at all levels of government and with 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, agricultural producers, telecommunications providers, public power districts, electric cooperatives, nonprofit organizations, and other interested entities;

(b) Through such collaboration, develop a strategic plan that maximizes the use of public and private resources and encourages
innovative models for ownership of infrastructure that is used for both private and public purposes;

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

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

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

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

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

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

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

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

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

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

(iii) Provide any updates to the strategic plan developed under subdivision (2)(b) of this section;
(iv) Summarize the Nebraska Broadband Office's outreach efforts and collaboration with all interested stakeholders;

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

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

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

(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 shall be located in the office of 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. 4. Section 86-333, Revised Statutes Cumulative Supplement, 2022, is amended to read:

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

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

(3) Any recipient of support from the Nebraska Telecommunications Universal Service Fund shall comply with the provisions of this section. Any grant recipient under the Nebraska Broadband Bridge Act, including any entity that operates as an eligible telecommunications carrier in Nebraska as defined in section 86-1302 that wishes to participate in the Broadband Bridge Program created under section 86-1303, either directly or as a challenging party under section 86-1307, shall comply with the provisions of this section. Any grant recipient of federal broadband funding administered by the Nebraska Broadband Office Public Service Commission shall comply with the provisions of this section.
(4) After the Federal Communications Commission completes the national Broadband Serviceable Location Fabric and accompanying National Broadband Availability Map, the Nebraska Broadband Office Public Service Commission shall annually evaluate whether the continued maintenance of any annually updated Nebraska location fabric broadband access map created and maintained in accordance with this section is necessary. The office Public Service Commission shall report its annual findings pursuant to this subsection to the Transportation and Telecommunications Committee of the Legislature.

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

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

86-1103 The Rural Broadband Task Force Fund is created. The fund shall be used to carry out the purposes of the Rural Broadband Task Force as described in section 86-1102 and to provide for a state broadband coordinator. For administrative purposes, the fund shall be located in the Nebraska Information Technology Commission. The fund shall consist of money appropriated or transferred by the Legislature and gifts, grants, or bequests from any source, including federal, state, public, and private sources. Any money in the 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. 6. Section 86-1309, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1309 (1) The Nebraska Broadband Bridge Fund is created. The fund shall consist of money appropriated by the Legislature and federal funds designated by the Governor received for broadband enhancement purposes. The commission shall administer the fund and use the fund to finance
grants for qualifying projects under the Nebraska Broadband Bridge Act and for expenses of the commission as appropriated by the Legislature for administering the fund. Any federal funds which are used for purposes of the act shall be in addition to the state General Funds appropriated for purposes of the act. Such federal funds shall not be used as a substitution for any such state General Funds.

(2) Any money in the Nebraska Broadband Bridge 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. 7. Original section 66-4,100, Reissue Revised Statutes of Nebraska, and sections 86-331, 86-333, 86-1103, and 86-1309, Revised Statutes Cumulative Supplement, 2022, are repealed.

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