

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 683

Introduced by Transportation and Telecommunications Committee: Geist, 25,
Chairperson; Bostelman, 23; Brandt, 32; DeKay, 40; Moser,
22.

Read first time January 18, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to broadband; to amend sections 86-331,
2 86-333, 86-1103, and 86-1309, Revised Statutes Cumulative
3 Supplement, 2022; to create the Nebraska Broadband Office and
4 provide duties; to change provisions relating to a broadband access
5 map, the state broadband coordinator, and the Nebraska Broadband
6 Bridge Fund; to harmonize provisions; to repeal the original
7 sections; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-331, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 86-331 (1) It is the intent of the Legislature to ensure that all
4 federal, state, and local government funding for broadband infrastructure
5 and services in Nebraska be leveraged strategically to ensure that all
6 Nebraskans have access to affordable, reliable broadband services before
7 January 1, 2028. To accomplish this intent, the Nebraska Broadband Office
8 is created. The office shall be headed by the Director of Broadband. The
9 director shall be appointed by and serve at the pleasure of the Governor
10 with the approval of a majority of the Legislature. For administrative
11 and budgetary purposes, the Nebraska Broadband Office shall be located in
12 the Department of Transportation. All administrative and budgetary
13 decisions for the Nebraska Broadband Office shall be made by the Director
14 of Broadband.

15 (2) The Nebraska Broadband Office shall:

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

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

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

31 (d) Conduct state advocacy on broadband issues at the federal level,

1 including the accuracy of federal mapping and speed data;

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

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

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

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

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. 2. 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. 3. 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. 4. 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 received for broadband enhancement purposes. The commission shall
31 administer the fund and use the fund to finance grants for qualifying

1 projects under the Nebraska Broadband Bridge Act and for expenses of the
2 commission as appropriated by the Legislature for administering the fund.
3 ~~Any federal funds which are used for purposes of the act shall be in~~
4 ~~addition to the state General Funds appropriated for purposes of the act.~~
5 ~~Such federal funds shall not be used as a substitution for any such state~~
6 ~~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. 5. Original sections 86-331, 86-333, 86-1103, and 86-1309,
12 Revised Statutes Cumulative Supplement, 2022, are repealed.

13 Sec. 6. Since an emergency exists, this act takes effect when
14 passed and approved according to law.