

LEGISLATIVE BILL 1031

Approved by the Governor April 15, 2024

Introduced by Bostelman, 23.

A BILL FOR AN ACT relating to telecommunications and technology; to amend section 86-314, Reissue Revised Statutes of Nebraska, sections 86-124, 86-324.02, 86-515, 86-577, 86-1001, 86-1003, 86-1004, 86-1029, 86-1101, 86-1102, and 86-1301, Revised Statutes Cumulative Supplement, 2022, and section 75-109.01, Revised Statutes Supplement, 2023; to change provisions relating to the Public Service Commission; to change speed test requirements for ongoing high-cost support from the Nebraska Telecommunications Universal Service Fund; to change provisions relating to the Nebraska Information Technology Commission; to change provisions relating to the lease or license of dark fiber by any agency or political subdivision of the state and broadband services; to change provisions relating to the 911 Service System Act and the Nebraska Broadband Bridge Act; to require a report; to change legislative intent; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 75-109.01, Revised Statutes Supplement, 2023, 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, licensure, 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 911 Service System 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 86-578, 86-1307, and 86-1308, and section 13 of this act;
- (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. 2. Section 86-124, Revised Statutes Cumulative Supplement, 2022, is amended to read:

- 86-124 (1) The commission shall not regulate the following:
- (a) One-way broadcast or cable television transmission of television or radio signals;
 - (b) Mobile radio services, radio paging services, and wireless telecommunications service;
 - (c) Interexchange services; and
 - (d) Internet-protocol-enabled service and voice over Internet protocol service, including rates, service or contract terms, conditions, or requirements for entry for such service.
- (2) This section shall not affect or modify:
- (a) The enforcement of criminal or civil laws, including, but not limited to, laws concerning consumer protection and unfair or deceptive trade practices which apply generally to the conduct of business;
 - (b)(i) Any entity's obligations or rights or commission authority under section 86-122 and under 47 U.S.C. 251 and 252, as such sections existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates, service quality standards, interconnection agreements, or other obligations for which the commission has jurisdiction under state or federal law;

(c) Any requirement to contribute to any fund administered by the commission authorized by the Enhanced Wireless 911 Services Act or the Nebraska Telecommunications Universal Service Fund Act;

(d) Any commission jurisdiction over intrastate switched access rates, terms, and conditions, including the resolution of disputes arising from, and implementation of federal and state law with respect to, intercarrier compensation;

(e) The eligibility and requirements for the receipt of funds from the Nebraska Telecommunications Universal Service Fund and the rules, regulations, and orders under the Nebraska Telecommunications Universal Service Fund Act or the receipt of funds from the federal universal service fund, regardless of the unregulated status of the provider's service under this section; ~~and~~

(f) Any entity's rights and obligations with respect to (i) registration under section 86-125, (ii) the use of public streets, roads, highways, and rights-of-way, or (iii) a certificate of public convenience and necessity or a permit; ~~and -~~

(g) The commission's authority under section 11 of this act.

Sec. 3. Section 86-314, Reissue Revised Statutes of Nebraska, is amended to read:

86-314 (1) The commission shall establish standards, procedures, and training specifications for the telecommunications relay system and shall supervise its operation. The telecommunications relay system shall assure prompt and accurate relay of all messages seven days per week, twenty-four hours per day, including holidays, to all deaf, hard of hearing, or speech-impaired persons living in Nebraska who possess specialized telecommunications equipment. Any person using the telecommunications relay system shall not be charged for access to such system other than charges billed for instate and out-of-state long-distance telephone service. The telecommunications relay system shall at least provide the following telephone services: (a) Statewide instate calls with charges for long-distance calls billed to the person making the call in a manner which the commission determines will recover the cost of long-distance calls to the system; (b) out-of-state calls with charges billed to the person making the call; and (c) emergency calls.

(2) The commission shall establish standards and criteria and shall determine the eligibility of qualified deaf, hard of hearing, and speech-impaired persons applying for specialized telecommunications equipment. The eligible standards and criteria shall include the following: (a) That two persons residing at the same address Only one person per household may each be a recipient of the telecommunications equipment; (b) an applicant shall reside in a household that has telephone service; (c) a recipient of equipment may not reapply for assistance more than once every three ~~five~~ years; and (d) a nursing home or institution resident is eligible for specialized telecommunications equipment only if he or she has personal telephone service.

(3) The commission may approve applications for specialized telecommunications equipment if they meet the guidelines established by the commission.

(4) The commission shall adopt and promulgate rules and regulations necessary for implementation of the Telecommunications Relay System Act and guidelines for the specialized telecommunications equipment program. The commission may enter into contracts with other agencies or private organizations, which may include the Commission for the Deaf and Hard of Hearing, to operate the telecommunications relay system and the specialized telecommunications equipment program.

(5) The Public Service Commission may administratively fine pursuant to section 75-156 any person who violates the act.

Sec. 4. Section 86-324.02, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-324.02 (1) Any recipient of ongoing high-cost support from the Nebraska Telecommunications Universal Service Fund shall agree to submit to speed tests as determined by the commission. Upon the commission's request, such recipient shall conduct the speed tests and submit the results to the commission. The speed tests shall be conducted for one week using a random sample of locations of consumers who subscribe to services provided over infrastructure for which ongoing high-cost support is received.

(2) For purposes of this subsection, broadband serviceable location means a business or residential location in Nebraska at which fixed broadband access service is or is able to be installed. Beginning eighteen months after the operative date of this section, the commission shall not provide ongoing high-cost support from the Nebraska Telecommunications Universal Service Fund for any broadband serviceable location not capable of access to the Internet at speeds of at least one hundred megabits per second for downloading and at least twenty megabits per second for uploading, except that:

(a) If a broadband serviceable location is subject to a federally enforceable commitment for deployment of infrastructure capable of access to the Internet at speeds of at least one hundred megabits per second for downloading and at least twenty megabits per second for uploading, the commission shall continue to provide ongoing high-cost support from the fund so long as the recipient of the ongoing high-cost support is in compliance with the deployment obligations of such federally enforceable commitment and the requirements of the fund; and

(b) Beginning January 1, 2029, the commission shall not provide ongoing high-cost support for any broadband serviceable location not capable of access to the Internet at speeds of at least one hundred megabits per second for

downloading and at least twenty megabits per second for uploading, notwithstanding any federally enforceable commitment for deployment.

Sec. 5. Section 86-515, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-515 (1) The Nebraska Information Technology Commission is created. The commission shall consist of (a) one member representing elementary and secondary education, (b) one member representing postsecondary education, (c) the Governor or his or her designee, (d) one member representing communities, and (e) five members representing the general public who have experience in developing strategic plans and making high-level business decisions. Of the members representing the general public, the principal business or occupation of at least one such member shall be agriculture. A member of the Transportation and Telecommunications Committee of the Legislature shall be appointed by the Executive Board of the Legislative Council to serve as an ex officio, nonvoting member of the commission. The Executive Board shall make the initial appointment of such member after January 5, 2011, and shall appoint a member every two years after the initial appointment. At any time that there is not a member of the Educational Service Unit Coordinating Council serving on the Nebraska Information Technology Commission, the technical panel established pursuant to section 86-521, or any working groups established pursuant to sections 86-512 to 86-524 that establish, coordinate, or prioritize needs for education, the Governor shall appoint to the commission one member who serves on the Educational Service Unit Coordinating Council.

(2) The Governor or a designee of the Governor shall serve as chairperson of the commission.

(3) The members of the commission other than the legislative member shall be appointed by the Governor with the approval of a majority of the Legislature. Members of the commission shall serve for terms of four years, except that two members initially appointed to represent the general public shall be appointed for a term of two years and any member appointed to represent the Educational Service Unit Coordinating Council shall be appointed for a term of one year. Members shall be limited to two consecutive terms. The Governor or his or her designee shall serve on the commission for his or her term. The legislative member of the commission shall serve until he or she is reappointed or a successor is appointed. Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term.

(4) Members shall be reimbursed for expenses as provided in sections 81-1174 to 81-1177.

(5) The commission may employ or designate an executive director to provide administrative and operational support for the commission. The Department of Administrative Services and Nebraska Educational Telecommunications Commission shall assist with administrative and operational support for the Nebraska Information Technology Commission as necessary to carry out its duties.

Sec. 6. Section 86-577, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-577 (1) For purposes of this section:

(a) Enforceable commitment means a binding legal agreement between an Internet service provider and the federal government or this state by which the Internet service provider receives a grant of federal or state funds in exchange for the Internet service provider deploying broadband service infrastructure to one or more unserved locations and that includes administrative or other penalties if the Internet service provider fails to meet the terms of such agreement; and

(b) Unserved location means a location, as determined in accordance with the Nebraska location fabric broadband access map created by the Nebraska Broadband Office pursuant to section 86-333, where:

(i) Broadband is not available by fiber-optic technology or cable modem or hybrid fiber-coaxial technology at speeds of at least one hundred megabits per second for downloading and at least twenty megabits per second for uploading with a latency sufficient to support real-time, interactive applications; and

(ii) No Internet service provider has an enforceable commitment to make broadband service available at speeds of at least one hundred megabits per second for downloading and at least twenty megabits per second for uploading with a latency sufficient to support real-time, interactive applications.

~~(a) Served location means a location receiving, or at the time the lease is filed with the Public Service Commission able to receive, communications service at a minimum download speed of twenty-five megabits per second and a minimum upload speed of three megabits per second or higher speeds, as determined by the Public Service Commission; and~~

~~(b) Unserved location means a location not receiving, and at the time the lease is filed with the Public Service Commission not able to receive, communications service at a minimum download speed of twenty-five megabits per second and a minimum upload speed of three megabits per second or higher speeds, as determined by the Public Service Commission.~~

(2) Any agency or political subdivision of the state may lease or license its dark fiber and related infrastructure under such terms as determined by such agency or political subdivision pursuant to its duly adopted and promulgated rules and regulations, issued orders, written policies, enacted ordinances, or adopted resolutions if:

(a) The lessee or licensee is a certificated telecommunications common

carrier or a permitted telecommunications contract carrier pursuant to section 86-128 or an Internet service provider;

(b) The lease or license terms are fair, reasonable, and nondiscriminatory; and

(c) All locations where service will be made available pursuant to the lease or license are, at the time the lease or license is filed pursuant to subsection (3) of this section, unserved locations; and

(d) ~~(e)~~ The lease or license complies with this section.

(3)(a) Before a lease or license of dark fiber under this section becomes effective, it shall be filed by the lessee or licensee with the commission, and the which shall expeditiously cause notice of the lease, including lease rates, to be published. (b)(i) The lease or license shall become effective upon such filing. The lease or license rate shall be within or above the safe harbor range of market rates established pursuant to subdivision (4)(a) of this section fourteen business days after the date of the published notice unless a protest is filed with the commission, in which event the commission shall consider the lease as a contested matter and consider the contested lease according to the commission's rules of procedure.

(b) Within five days after a lease or license is filed, the commission shall provide notice of the lease or license to all Internet service providers providing service in the counties where any unserved locations subject to the lease or license are located.

(c) Any Internet service provider may challenge a lease or license filed with the commission pursuant to this subsection alleging that such lease or license does not serve an unserved location in violation of subdivision (2)(c) of this section. A provider shall file such challenge with the commission within thirty days after receipt of the notice described in subdivision (b) of this subsection. The commission shall make a determination regarding such alleged violation within thirty days after the challenge is filed.

(d) If an Internet service provider files a challenge under subdivision (c) of this subsection alleging that a location is not an unserved location and the commission finds that it is an unserved location, the Internet service provider filing such challenge may be prohibited from filing any other challenge pursuant to subdivision (c) of this subsection for a period of two years from the date such challenge was filed.

(ii) ~~If the allocation of served location and unserved location in the lease is contested, the commission shall determine such allocation under the lease as a contested matter and consider the contested lease according to the commission's rules of procedure.~~

(4)(a) ~~(4) For the lease or license of dark fiber under this section, the :~~ (a) The commission shall establish a safe harbor range of market rates for all dark fiber leases or licenses using a competitive price determination comparison. When conducting a competitive price determination comparison, 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. If a lease or license utilizes rates within or above the safe harbor range, such rates shall be deemed approved. Any other term of the lease may be contested pursuant to subdivision (3)(b) of this section; and

(b) Revenue obtained by any agency or political subdivision from the lease or license of dark fiber under this section shall only be used for billing, construction, operation, and maintenance costs associated with the lease or license of such dark fiber or for any existing dark fiber or fiber-related infrastructure.

(c) Revenue obtained by any agency or political subdivision from the sale or delivery of electricity shall not be used for billing, construction, operation, or maintenance costs associated with the lease or license of dark fiber under this section.

~~Fifty percent of the profit earned by the agency or political subdivision under a lease of dark fiber leased to serve a served location shall be remitted to the State Treasurer for credit to the Nebraska Telecommunications Universal Service Fund. For purposes of this subdivision, profit earned by the agency or political subdivision means the lease price less the cost of infrastructure deployment. This subdivision does not apply to a lease or portion of a lease of dark fiber leased to exclusively serve unserved locations.~~

(5)(a) If a dispute arises between an Internet service provider claiming an enforceable commitment for a location and an Internet service provider seeking to utilize a dark fiber lease or license to serve such location, either party may file a request with the state entity with which there is an enforceable commitment to verify the enforceable commitment. Upon the filing of the request, such state entity shall require, and the Internet service provider claiming the enforceable commitment shall provide, documentation related to the enforceable commitment. The state entity shall review the documentation and make a finding as to the Internet service provider's compliance with the enforceable commitment and the reasonable likelihood of meeting its deployment obligations under the enforceable commitment. All documentation submitted to the state entity under this subdivision shall be deemed confidential and not subject to public disclosure pursuant to sections 84-712 to 84-712.09.

(b) There is no enforceable commitment and a location is considered an unserved location when:

(i) A grant of federal or state funds is forfeited by the Internet service provider for such location;

(ii) The Internet service provider is disqualified by the granting

governmental entity from receiving a grant of federal or state funds to deploy broadband service infrastructure to such location; or

(iii) After reviewing documentation submitted pursuant to this subsection, the state entity verifying the enforceable commitment finds that the Internet service provider is not in compliance with the enforceable commitment or will fail to meet the terms of the enforceable commitment for such location.

~~(5) The lessee shall make 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. 7. Section 86-1001, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1001 Sections 86-1001 to 86-1029.03 and sections 10 and 11 of this act shall be known and may be cited as the 911 Service System Act.

Sec. 8. Section 86-1003, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1003 It is the intent of the Legislature that:

(1) The commission plan, implement, coordinate, manage, maintain, and provide funding assistance for a cost-efficient 911 service system;

(2) The commission provide for the coordination of 911 service on a statewide basis;

(3) Local governing bodies be responsible for the dispatch and provision of emergency services;

(4) As part of the coordination of statewide 911 service, the commission secure stakeholder support and provide public education, training, standards enforcement, dispute resolution, and program evaluation for public safety answering points;

(5) The jurisdictions of the state, regional, and local governing bodies be clearly defined and aligned to produce the most efficient provision of 911 service, including next-generation 911 service capability;

(6) The commission adopt statewide uniform standards for technical support, training efficiency, and quality assurance for public safety answering points;

(7) The express authority granted to the commission to implement the 911 Service System Act not be deemed to supersede or otherwise modify section 86-124 or to provide the commission with any additional authority not provided by law existing on April 19, 2016, including, but not limited to, regulatory authority over originating service providers except as provided under section 11 of this act; and

(8) Except as specifically provided in the 911 Service System Act, nothing in the 911 Service System Act be deemed to supersede or modify any commission authority provided by law or any commission order, rule, or regulation existing on April 19, 2016.

Sec. 9. Section 86-1004, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1004 For purposes of the 911 Service System Act, the definitions found in sections 86-1005 to 86-1024 and section 10 of this act apply.

Sec. 10. Telecommunications relay services has the same meaning as in 47 C.F.R. 9.3, as such regulation existed on January 1, 2024.

Sec. 11. (1) For purposes of this section, originating service provider means the telecommunications service provider, whether by wireline or wireless service, or the voice over Internet protocol service provider providing the capability for customers to originate 911 calls.

(2)(a) Except as provided in subdivision (2)(c) of this section, or unless otherwise required by the Federal Communications Commission, no later than January 1, 2026, an originating service provider and the next-generation 911 service contractor shall cause:

(i) All 911 calls to be transmitted to the next-generation 911 network that allows 911 calls to be answered; and

(ii) All translation and routing to be completed to deliver all 911 calls, including associated location information in the requested Internet protocol-enabled service format, to the next-generation 911 network that allows 911 calls to be answered.

(b) No later than ten months prior to the date set forth in subdivision (2)(a) of this section, an originating service provider and the next-generation 911 service contractor shall enter into an agreement to cause the requirements of such subdivision to be met. If the originating service provider and the next-generation 911 service contractor have not entered into an agreement by such date, the originating service provider and the next-generation 911 service contractor shall notify the Public Service Commission to seek resolution of any unresolved issues in accordance with the commission's policies relating to interconnection arbitration and mediation.

(c) An originating service provider may enter into an agreement with the commission to establish an alternative timeframe for meeting the requirements of subdivision (2)(a) of this section. The originating service provider shall notify the commission of the dates and terms of the alternative timeframe within thirty days after entering into such agreement.

(3)(a) Except as provided in subdivision (3)(c) of this section, or unless otherwise required by the Federal Communications Commission, no later than January 1, 2026, a provider of telecommunications relay services and the next-generation 911 service contractor shall cause:

(i) All 911 calls to be transmitted to the next-generation 911 network that allows 911 calls to be answered; and

(ii) All translation and routing to be completed to deliver all 911 calls,

including associated location information if received from the originating service provider in the requested Internet protocol-enabled service format, to the next-generation 911 network that allows 911 calls to be answered.

(b) No later than ten months prior to the date set forth in subdivision (3)(a) of this section, a provider of telecommunications relay services and the next-generation 911 service contractor shall enter into an agreement to cause the requirements of such subdivision to be met. If the provider of telecommunications relay services and the next-generation 911 service contractor have not entered into an agreement by such date, the provider of telecommunications relay services and the next-generation 911 service contractor shall notify the Public Service Commission to seek resolution of any unresolved issues in accordance with the commission's policies relating to interconnection arbitration and mediation.

(c) A provider of telecommunications relay services may enter into an agreement with the commission to establish an alternative timeframe for meeting the requirements of subdivision (3)(a) of this section. The telecommunications relay provider shall notify the commission of the dates and terms of the alternative timeframe within thirty days after entering into such agreement.

(4) No later than November 15, 2024, and no later than November 15 of each year thereafter, the next-generation 911 service contractor shall submit an annual report electronically to the Transportation and Telecommunications Committee of the Legislature and to the commission on the capabilities and redundancies of the next-generation 911 service network.

(5) Nothing in this section shall be construed to modify or change any requirement for an originating service provider to file a report with state and federal entities, including with public safety answering points and local governing bodies, in accordance with applicable local, state, or federal regulations and policies, regarding any impediment to transmitting and delivering 911 calls to the next-generation 911 network.

Sec. 12. Section 86-1029, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1029 The express authority granted to the commission to implement the 911 Service System Act shall not be deemed to supersede or otherwise modify section 86-124 or to provide the commission with any additional authority not provided by law existing on April 19, 2016, including, but not limited to, regulatory authority over originating service providers except as provided under section 11 of this act.

Sec. 13. (1) For purposes of this section:

(a) Communications service provider means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, but does not include a wireless provider;

(b) 911 service has the same meaning as in section 86-1018; and

(c) Outage has the same meaning as described in 47 C.F.R. 4.5(e).

(2) A communications service provider that is required to file reports with the Federal Communications Commission regarding a 911 service outage pursuant to 47 C.F.R. 4.9(h) shall also file copies of such reports with the Public Service Commission. The reports filed with the Public Service Commission shall follow the same timelines and provide the same information as outlined in 47 C.F.R. 4.9 and 4.11. Reports filed pursuant to this section shall be deemed confidential and shall not be subject to public disclosure pursuant to sections 84-712 to 84-712.09.

(3)(a) The Public Service Commission shall hold a public hearing no later than ninety days after receipt of the first report filed by a communications service provider pursuant to subsection (2) of this section. The commission may delay the hearing for good cause shown, but such delay shall be extended no longer than thirty days. The commission may hold subsequent hearings as it deems necessary.

(b) This subsection shall not apply if:

(i) The communications service provider has, in good faith, withdrawn the first report filed pursuant to subsection (2) of this section; or

(ii) The Public Service Commission has waived the requirements of this subsection by a majority vote of the commission.

(4) The Public Service Commission may adopt and promulgate rules and regulations to carry out this section.

(5) This section shall only apply to 911 service outages in Nebraska.

(6) Nothing in this section shall be construed to authorize the Public Service Commission to regulate any activities prohibited by section 86-124.

Sec. 14. Section 86-1101, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1101 The Legislature finds and declares that:

(1) The availability, quality, and affordability of broadband telecommunications service is important to the residents of Nebraska; and

(2) Because availability, quality, and affordability of broadband telecommunications service is lacking in certain rural areas in Nebraska, combined with greater investment in urban areas, the state may be facing a digital divide.

It is the intent of the Legislature that broadband telecommunications service in rural areas of the state should be comparable in download and upload speed and price to urban areas in the state where possible and that state resources should be utilized to ensure that the rural residents of the state should not be penalized simply because of their rural residence. It is further the intent of the Legislature that the residents of this state should have

access to broadband telecommunications service at a minimum download speed of one hundred twenty-five megabits per second and a minimum upload speed of one hundred three megabits per second.

Sec. 15. Section 86-1102, Revised Statutes Cumulative Supplement, 2022, 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 funding redirection 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 expenses incurred for such service as provided in sections 81-1174 to 81-1177.

(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 one hundred twenty-five megabits per second and a minimum upload speed of one hundred three megabits per second, and that enables users to originate and receive high-quality voice, data, and video telecommunications using any technology.

Sec. 16. Section 86-1301, Revised Statutes Cumulative Supplement, 2022, is amended to read:

86-1301 Sections 86-1301 to 86-1312 and section 17 of this act shall be known and may be cited as the Nebraska Broadband Bridge Act.

Sec. 17. On or before July 30, 2024, and by July 30 each year thereafter, each provider operating in this state shall submit a report to the Nebraska Broadband Office that provides specific information regarding each standard Internet service plan advertised by the provider and the rates associated with

each such plan.

Sec. 18. Sections 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 16, 17, and 19 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 19. Original section 86-314, Reissue Revised Statutes of Nebraska, sections 86-124, 86-1001, 86-1003, 86-1004, 86-1029, and 86-1301, Revised Statutes Cumulative Supplement, 2022, and section 75-109.01, Revised Statutes Supplement, 2023, are repealed.

Sec. 20. Original sections 86-324.02, 86-515, 86-577, 86-1101, and 86-1102, Revised Statutes Cumulative Supplement, 2022, are repealed.

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