

E AND R AMENDMENTS TO LB 1031

Introduced by Ballard, 21, Chairman Enrollment and Review

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

3           Section 1. Section 75-109.01, Revised Statutes Supplement, 2023, is  
4 amended to read:

5           75-109.01 Except as otherwise specifically provided by law, the  
6 Public Service Commission shall have jurisdiction, as prescribed, over  
7 the following subjects:

8           (1) Common carriers, generally, pursuant to sections 75-101 to  
9 75-158;

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

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

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

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

18          (6) Pipeline carriers and rights-of-way pursuant to the Major Oil  
19 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections  
20 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with  
21 the provisions of the Major Oil Pipeline Siting Act, the provisions of  
22 the Major Oil Pipeline Siting Act control;

23          (7) Railroad carrier safety pursuant to sections 74-918, 74-919,  
24 74-1323, and 75-401 to 75-430;

25          (8) Telecommunications carriers pursuant to the Automatic Dialing-  
26 Announcing Devices Act, the Emergency Telephone Communications Systems  
27 Act, the Enhanced Wireless 911 Services Act, the 911 Service System Act,

1 the Intrastate Pay-Per-Call Regulation Act, the Nebraska  
2 Telecommunications Regulation Act, the Nebraska Telecommunications  
3 Universal Service Fund Act, the Telecommunications Relay System Act, the  
4 Telephone Consumer Slamming Prevention Act,—and sections 86-574 to  
5 86-578, 86-1307, and 86-1308, and section 13 of this act;

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

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

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

13 Sec. 2. Section 86-124, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 86-124 (1) The commission shall not regulate the following:

16 (a) One-way broadcast or cable television transmission of television  
17 or radio signals;

18 (b) Mobile radio services, radio paging services, and wireless  
19 telecommunications service;

20 (c) Interexchange services; and

21 (d) Internet-protocol-enabled service and voice over Internet  
22 protocol service, including rates, service or contract terms, conditions,  
23 or requirements for entry for such service.

24 (2) This section shall not affect or modify:

25 (a) The enforcement of criminal or civil laws, including, but not  
26 limited to, laws concerning consumer protection and unfair or deceptive  
27 trade practices which apply generally to the conduct of business;

28 (b)(i) Any entity's obligations or rights or commission authority  
29 under section 86-122 and under 47 U.S.C. 251 and 252, as such sections  
30 existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates,  
31 service quality standards, interconnection agreements, or other

1 obligations for which the commission has jurisdiction under state or  
2 federal law;

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

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

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

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

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

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

23 86-314 (1) The commission shall establish standards, procedures, and  
24 training specifications for the telecommunications relay system and shall  
25 supervise its operation. The telecommunications relay system shall assure  
26 prompt and accurate relay of all messages seven days per week, twenty-  
27 four hours per day, including holidays, to all deaf, hard of hearing, or  
28 speech-impaired persons living in Nebraska who possess specialized  
29 telecommunications equipment. Any person using the telecommunications  
30 relay system shall not be charged for access to such system other than  
31 charges billed for instate and out-of-state long-distance telephone

1 service. The telecommunications relay system shall at least provide the  
2 following telephone services: (a) Statewide instate calls with charges  
3 for long-distance calls billed to the person making the call in a manner  
4 which the commission determines will recover the cost of long-distance  
5 calls to the system; (b) out-of-state calls with charges billed to the  
6 person making the call; and (c) emergency calls.

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

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

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

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

30 Sec. 4. Section 86-324.02, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

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

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

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

26           (b) Beginning January 1, 2029, the commission shall not provide  
27 ongoing high-cost support for any broadband serviceable location not  
28 capable of access to the Internet at speeds of at least one hundred  
29 megabits per second for downloading and at least twenty megabits per  
30 second for uploading, notwithstanding any federally enforceable  
31 commitment for deployment.

1           Sec. 5. Section 86-515, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3           86-515 (1) The Nebraska Information Technology Commission is  
4 created. The commission shall consist of (a) one member representing  
5 elementary and secondary education, (b) one member representing  
6 postsecondary education, (c) the Governor or his or her designee, (d) one  
7 member representing communities, and (e) five members representing the  
8 general public who have experience in developing strategic plans and  
9 making high-level business decisions. Of the members representing the  
10 general public, the principal business or occupation of at least one such  
11 member shall be agriculture. A member of the Transportation and  
12 Telecommunications Committee of the Legislature shall be appointed by the  
13 Executive Board of the Legislative Council to serve as an ex officio,  
14 nonvoting member of the commission. The Executive Board shall make the  
15 initial appointment of such member after January 5, 2011, and shall  
16 appoint a member every two years after the initial appointment. At any  
17 time that there is not a member of the Educational Service Unit  
18 Coordinating Council serving on the Nebraska Information Technology  
19 Commission, the technical panel established pursuant to section 86-521,  
20 or any working groups established pursuant to sections 86-512 to 86-524  
21 that establish, coordinate, or prioritize needs for education, the  
22 Governor shall appoint to the commission one member who serves on the  
23 Educational Service Unit Coordinating Council.

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

26           (3) The members of the commission other than the legislative member  
27 shall be appointed by the Governor with the approval of a majority of the  
28 Legislature. Members of the commission shall serve for terms of four  
29 years, except that two members initially appointed to represent the  
30 general public shall be appointed for a term of two years and any member  
31 appointed to represent the Educational Service Unit Coordinating Council

1 shall be appointed for a term of one year. Members shall be limited to  
2 two consecutive terms. The Governor or his or her designee shall serve on  
3 the commission for his or her term. The legislative member of the  
4 commission shall serve until he or she is reappointed or a successor is  
5 appointed. Each member shall serve until the appointment and  
6 qualification of his or her successor. In case of a vacancy occurring  
7 prior to the expiration of the term of a member, the appointment shall be  
8 made only for the remainder of the term.

9 (4) Members shall be reimbursed for expenses as provided in sections  
10 81-1174 to 81-1177.

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

17 Sec. 6. Section 86-577, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 86-577 (1) For purposes of this section:

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

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

30 (i) Broadband is not available by fiber-optic technology or cable  
31 modem or hybrid fiber-coaxial technology at speeds of at least one

1 hundred megabits per second for downloading and at least twenty megabits  
2 per second for uploading with a latency sufficient to support real-time,  
3 interactive applications; and

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

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

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

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

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

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

30 (c) All locations where service will be made available pursuant to  
31 the lease or license are, at the time the lease or license is filed



1 pursuant to subsection (3) of this section, unserved locations; and

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

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

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

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

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

1 was filed.

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

6 (4)(a) (4) For the lease or license of dark fiber under this  
7 section, the ~~-(a) The commission shall establish a safe harbor range of~~  
8 ~~market rates for all dark fiber leases or licenses using a competitive~~  
9 ~~price determination comparison. When conducting a competitive price~~  
10 ~~determination comparison, the commission, in its discretion, shall use~~  
11 ~~rate schedules, interconnection agreements, or other documents within its~~  
12 ~~regulatory oversight and shall gather other market rate information as~~  
13 ~~deemed necessary. If a lease or license utilizes rates within or above~~  
14 ~~the safe harbor range, such rates shall be deemed approved. Any other~~  
15 ~~term of the lease may be contested pursuant to subdivision (3)(b) of this~~  
16 ~~section; and~~

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

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

26 ~~Fifty percent of the profit earned by the agency or political~~  
27 ~~subdivision under a lease of dark fiber leased to serve a served location~~  
28 ~~shall be remitted to the State Treasurer for credit to the Nebraska~~  
29 ~~Telecommunications Universal Service Fund. For purposes of this~~  
30 ~~subdivision, profit earned by the agency or political subdivision means~~  
31 ~~the lease price less the cost of infrastructure deployment. This~~

1 ~~subdivision does not apply to a lease or portion of a lease of dark fiber~~  
2 ~~leased to exclusively serve unserved locations.~~

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

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

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

22 (ii) The Internet service provider is disqualified by the granting  
23 governmental entity from receiving a grant of federal or state funds to  
24 deploy broadband service infrastructure to such location; or

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

30 ~~(5) The lessee shall make every reasonable effort to activate the~~  
31 ~~maximum amount of the leased fiber as is possible, within one year after~~

1 ~~entering into the lease, unless good cause is shown.~~

2       Sec. 7. Section 86-1001, Revised Statutes Cumulative Supplement,  
3 2022, is amended to read:

4       86-1001 Sections 86-1001 to 86-1029.03 and sections 10 and 11 of  
5 this act shall be known and may be cited as the 911 Service System Act.

6       Sec. 8. Section 86-1003, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8       86-1003 It is the intent of the Legislature that:

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

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

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

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

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

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

26       (7) The express authority granted to the commission to implement the  
27 911 Service System Act not be deemed to supersede or otherwise modify  
28 section 86-124 or to provide the commission with any additional authority  
29 not provided by law existing on April 19, 2016, including, but not  
30 limited to, regulatory authority over originating service providers  
31 except as provided under section 11 of this act; and

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

5 Sec. 9. Section 86-1004, Revised Statutes Cumulative Supplement,  
6 2022, is amended to read:

7 86-1004 For purposes of the 911 Service System Act, the definitions  
8 found in sections 86-1005 to 86-1024 and section 10 of this act apply.

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

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

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

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

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

25 (b) No later than ten months prior to the date set forth in  
26 subdivision (2)(a) of this section, an originating service provider and  
27 the next-generation 911 service contractor shall enter into an agreement  
28 to cause the requirements of such subdivision to be met. If the  
29 originating service provider and the next-generation 911 service  
30 contractor have not entered into an agreement by such date, the  
31 originating service provider and the next-generation 911 service

1 contractor shall notify the Public Service Commission to seek resolution  
2 of any unresolved issues in accordance with the commission's policies  
3 relating to interconnection arbitration and mediation.

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

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

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

16 (ii) All translation and routing to be completed to deliver all 911  
17 calls, including associated location information if received from the  
18 originating service provider in the requested Internet protocol-enabled  
19 service format, to the next-generation 911 network that allows 911 calls  
20 to be answered.

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

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

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

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

19           Sec. 12. Section 86-1029, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21           86-1029 The express authority granted to the commission to implement  
22 the 911 Service System Act shall not be deemed to supersede or otherwise  
23 modify section 86-124 or to provide the commission with any additional  
24 authority not provided by law existing on April 19, 2016, including, but  
25 not limited to, regulatory authority over originating service providers  
26 except as provided under section 11 of this act.

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

28           (a) Communications service provider means a cable operator as  
29 defined in 47 U.S.C. 522, a provider of information service as defined in  
30 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C.  
31 153, but does not include a wireless provider;

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

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

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

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

17           (b) This subsection shall not apply if:

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

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

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

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

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

30           Sec. 14. Section 86-1101, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:



1 86-1101 The Legislature finds and declares that:

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

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

8 It is the intent of the Legislature that broadband  
9 telecommunications service in rural areas of the state should be  
10 comparable in download and upload speed and price to urban areas in the  
11 state where possible and that state resources should be utilized to  
12 ensure that the rural residents of the state should not be penalized  
13 simply because of their rural residence. It is further the intent of the  
14 Legislature that the residents of this state should have access to  
15 broadband telecommunications service at a minimum download speed of one  
16 hundred twenty-five megabits per second and a minimum upload speed of one  
17 hundred three megabits per second.

18 Sec. 15. Section 86-1102, Revised Statutes Cumulative Supplement,  
19 2022, is amended to read:

20 86-1102 (1) The Rural Broadband Task Force is hereby created. Task  
21 force members shall include the chairperson of the Transportation and  
22 Telecommunications Committee of the Legislature and a member of the  
23 Legislature selected by the Executive Board of the Legislative Council  
24 who shall both serve as nonvoting, ex officio members, a member of the  
25 Public Service Commission who shall be selected by the chairperson of  
26 such commission, the chairperson of the Nebraska Information Technology  
27 Commission or his or her designee who shall act as chairperson of the  
28 task force, the Director of Economic Development or his or her designee,  
29 the Director of Agriculture or his or her designee, and the following  
30 members to be appointed by the Governor: A representative of the  
31 agribusiness community, a representative of the Nebraska business

1 community, a representative of the regulated wireline telecommunications  
2 industry, a representative of the wireless telecommunications industry, a  
3 representative of the public power industry, a representative of health  
4 care providers, a representative of Nebraska postsecondary educational  
5 institutions, and a representative of rural schools offering kindergarten  
6 through grade twelve. The members appointed by the Governor shall serve  
7 for a term of two years and may be reappointed.

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

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

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

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

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

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

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

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

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

19 (4) Task force members shall serve on the task force without  
20 compensation but shall be entitled to receive reimbursement for expenses  
21 incurred for such service as provided in sections 81-1174 to 81-1177.

22 (5) The task force shall meet at the call of the chairperson and  
23 shall present its findings in a report to the Executive Board of the  
24 Legislative Council no later than November 1, 2019, and by November 1  
25 every odd-numbered year thereafter. The report shall be submitted  
26 electronically.

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

1 any technology.

2 Sec. 16. Section 86-1301, Revised Statutes Cumulative Supplement,  
3 2022, is amended to read:

4 86-1301 Sections 86-1301 to 86-1312 and section 17 of this act shall  
5 be known and may be cited as the Nebraska Broadband Bridge Act.

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

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

15 Sec. 19. Original section 86-314, Reissue Revised Statutes of  
16 Nebraska, sections 86-124, 86-1001, 86-1003, 86-1004, 86-1029, and  
17 86-1301, Revised Statutes Cumulative Supplement, 2022, and section  
18 75-109.01, Revised Statutes Supplement, 2023, are repealed.

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

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

23 2. On page 1, strike beginning with "telecommunications" in line 1  
24 through line 9 and insert "telecommunications and technology; to amend  
25 section 86-314, Reissue Revised Statutes of Nebraska, sections 86-124,  
26 86-324.02, 86-515, 86-577, 86-1001, 86-1003, 86-1004, 86-1029, 86-1101,  
27 86-1102, and 86-1301, Revised Statutes Cumulative Supplement, 2022, and  
28 section 75-109.01, Revised Statutes Supplement, 2023; to change  
29 provisions relating to the Public Service Commission; to change speed  
30 test requirements for ongoing high-cost support from the Nebraska  
31 Telecommunications Universal Service Fund; to change provisions relating

1 to the Nebraska Information Technology Commission; to change provisions  
2 relating to the lease or license of dark fiber by any agency or political  
3 subdivision of the state and broadband services; to change provisions  
4 relating to the 911 Service System Act and the Nebraska Broadband Bridge  
5 Act; to require a report; to change legislative intent; to harmonize  
6 provisions; to provide operative dates; to repeal the original sections;  
7 and to declare an emergency."