

AMENDMENTS TO LB683

(Amendments to Standing Committee amendments, AM870)

Introduced by Geist, 25.

1 1. Strike section 7 and insert the following new sections:

2 Section 1. Section 39-2805, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 39-2805 (1) The County Bridge Match Program is created. The
5 department shall administer the program using funds from the
6 Transportation Infrastructure Bank Fund, except that no more than forty
7 million dollars shall be expended for this program. The purpose of the
8 program is to promote innovative solutions and provide additional funding
9 to accelerate the repair and replacement of deficient bridges on the
10 county road system. The department shall develop the program, including
11 participation criteria and matching fund requirements for counties, in
12 consultation with a statewide association representing county officials.
13 Participation by counties in the program shall be voluntary. ~~The details~~
14 ~~of the program shall be presented to the Appropriations Committee and the~~
15 ~~Transportation and Telecommunications Committee of the Legislature on or~~
16 ~~before December 1, 2016.~~

17 (2) The County Bridge Match Program terminates on June 30, 2029
18 2023.

19 Sec. 3. Section 76-2301, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 76-2301 Sections 76-2301 to 76-2332 and sections 5, 7, and 9 of this
22 act shall be known and may be cited as the One-Call Notification System
23 Act.

24 Sec. 4. Section 76-2303, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 76-2303 For purposes of the One-Call Notification System Act, the

1 definitions found in sections 76-2303.01 to 76-2317 and section 5 of this
2 act shall be used.

3 Sec. 5. Committee means the Underground Excavation Safety
4 Committee.

5 Sec. 6. Section 76-2323, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 76-2323 (1) Upon receipt of the information contained in the notice
8 pursuant to section 76-2321, an operator shall advise the excavator of
9 the approximate location of underground facilities in the area of the
10 proposed excavation by marking or identifying the location of the
11 underground facilities with stakes, flags, paint, or any other clearly
12 identifiable marking or reference point and shall indicate if the
13 underground facilities are subject to section 76-2331. The location of
14 the underground facility given by the operator shall be within a strip of
15 land eighteen inches on either side of the marking or identification plus
16 one-half of the width of the underground facility. If in the opinion of
17 the operator the precise location of a facility cannot be determined and
18 marked as required, the operator shall provide all pertinent information
19 and field locating assistance to the excavator at a mutually agreed to
20 time. The location shall be marked or identified using color standards
21 prescribed by the center. The operator shall respond no later than two
22 business days after receipt of the information in the notice or at a time
23 mutually agreed to by the parties.

24 (2) The marking or identification shall be done in a manner that
25 will last for a minimum of five business days on any nonpermanent surface
26 and a minimum of ten business days on any permanent surface. If the
27 excavation will continue for longer than five business days, the operator
28 shall remark or reidentify the location of the underground facility upon
29 the request of the excavator. The request for remarking or
30 reidentification shall be made through the center.

31 (3)(a) Beginning September 1, 2024, it shall be a violation of the

1 One-Call Notification System Act for an excavator to (i) serve notice of
2 intent to excavate upon the center for an area in which the excavation
3 cannot be reasonably commenced within seventeen calendar days after the
4 excavation start date indicated pursuant to section 76-2321 or (ii)
5 request remarking or reidentification for any area in which the
6 excavation cannot be reasonably commenced or continued within fourteen
7 calendar days after the date remarking or reidentification is completed.

8 (b) After receiving notice of any alleged violation of this
9 subsection pursuant to subsection (2) of section 76-2325, the excavator
10 shall in its answer describe the circumstances which prevented the
11 commencement or continuation of excavation within the timeframes set
12 forth in this subsection.

13 (4) ~~(3)~~ An operator who determines that such operator does not have
14 any underground facility located in the area of the proposed excavation
15 shall notify the center of the determination prior to the date of
16 commencement of the excavation, or prior to two full business days after
17 transmittal of the ticket, whichever occurs sooner. All ticket responses
18 made under this subsection shall be transmitted to the operator and
19 excavator by the center.

20 Sec. 7. (1) Beginning September 1, 2024, the Underground Excavation
21 Safety Committee is created. The committee shall consist of the following
22 members: (a) The State Fire Marshal or the State Fire Marshal's designee,
23 (b) three representatives of operators, (c) three representatives of
24 excavators, and (d) one alternate representative of operators and one
25 alternate representative of excavators. An alternate representative
26 described in subdivision (d) of this subsection shall only participate in
27 a committee meeting if a corresponding representative described in
28 subdivision (b) or (c) of this subsection has declared a conflict of
29 interest and recused himself or herself from participation in a matter
30 before the committee or is otherwise unavailable for a committee meeting.
31 In such instance, the chairperson shall notify the alternate

1 representative to serve in the place of the recused or absent
2 representative for any meeting related to such particular conflict or for
3 the duration of such absence.

4 (2) The representative members shall be appointed by the Governor.
5 The Governor shall appoint one of the three initial representatives of
6 operators described in subdivision (1)(b) of this section, one of the
7 three initial representatives of excavators described in subdivision (1)
8 (c) of this section, and both alternate representatives described in
9 subdivision (1)(d) of this section for two-year terms. The other initial
10 representatives shall be appointed for four-year terms. All succeeding
11 terms shall be for four years. A representative member may be reappointed
12 at the end of such member's term. If there is a vacancy on the committee,
13 the Governor shall appoint a member to serve the remainder of the
14 unexpired term of the vacating member. All representative members shall
15 be subject to approval by the Legislature.

16 (3) The committee shall select from among its members a chairperson.
17 The committee shall not select an alternate representative to serve as
18 chairperson. The committee shall govern its procedures pursuant to rules
19 and regulations adopted and promulgated by the State Fire Marshal. No
20 representative member shall receive any compensation for services
21 rendered as a member of the committee but may be reimbursed for expenses
22 as provided in sections 81-1174 to 81-1177.

23 (4) The committee shall meet not less than monthly and also at such
24 other times and at such places as may be established by the chairperson.
25 The committee may meet by videoconference with approval of a majority of
26 the committee members. Any action taken by the committee shall require a
27 majority vote of the members.

28 (5)(a) The committee shall (i) review investigations completed
29 pursuant to subdivision (2)(a) of section 76-2325, (ii) determine based
30 on such review whether any person has committed any violation described
31 in subdivision (2)(b) of section 76-2325, and (iii) determine the

1 appropriate civil penalty, if any, to be assessed for such violation
2 consistent with subdivision (2)(b)(ii) of section 76-2325.

3 (b) No member of the committee who participated in an investigation
4 conducted under subdivision (2)(a) of section 76-2325 shall participate
5 in a hearing upon any question in which such member or any business with
6 which such member is associated is a party.

7 Sec. 8. Section 76-2325, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 76-2325 (1) Until September 1, 2024:

10 (a) Any person who violates section 76-2320, 76-2320.01, 76-2320.02,
11 76-2321, 76-2322, 76-2323, 76-2326, 76-2330, or 76-2331 shall be subject
12 to a civil penalty as follows:

13 (i) ~~(a)~~ For a violation by an excavator or an operator related to a
14 gas or hazardous liquid underground pipeline facility or a fiber optic
15 telecommunications facility, an amount not to exceed ten thousand dollars
16 for each violation for each day the violation persists, up to a maximum
17 of five hundred thousand dollars; and

18 (ii) ~~(b)~~ For a violation by an excavator or an operator related to
19 any other underground facility, an amount not to exceed five thousand
20 dollars for each day the violation persists, up to a maximum of fifty
21 thousand dollars; and -

22 (b) ~~(2)~~ An action to recover a civil penalty shall be brought by the
23 Attorney General or a prosecuting attorney on behalf of the State of
24 Nebraska in any court of competent jurisdiction of this state. The trial
25 shall be before the court, which shall consider the nature,
26 circumstances, and gravity of the violation and, with respect to the
27 person found to have committed the violation, the degree of culpability,
28 the absence or existence of prior violations, whether the violation was a
29 willful act, any good faith attempt to achieve compliance, and such other
30 matters as justice may require in determining the amount of penalty
31 imposed. All penalties shall be remitted to the State Treasurer for

1 distribution in accordance with Article VII, section 5, of the
2 Constitution of Nebraska.

3 (2) Beginning September 1, 2024:

4 (a)(i) When the State Fire Marshal has reason to believe that any
5 person has committed any violation described in subdivision (b) of this
6 subsection, the State Fire Marshal may conduct an investigation to
7 determine the facts and circumstances of such alleged violation and, if
8 conducted, shall give prior notice of such investigation by first-class
9 mail or electronic mail to such person.

10 (ii) When any person other than the State Fire Marshal has reason to
11 believe that any violation described in subdivision (b) of this
12 subsection has occurred, such person may submit information to the State
13 Fire Marshal regarding such violation on a form prescribed by the State
14 Fire Marshal. Upon receipt of such information, the State Fire Marshal
15 may conduct an investigation to determine the facts and circumstances of
16 such alleged violation and, if conducted, shall give prior notice of such
17 investigation by first-class mail or electronic mail to both the person
18 being investigated and the person who submitted the information to the
19 State Fire Marshal.

20 (iii) The State Fire Marshal shall refer the findings of the
21 investigation to the committee for its determination. Except as otherwise
22 provided in subdivision (2)(a)(iv) of this section, the committee shall
23 issue a written determination stating findings of fact, conclusions of
24 law, and the civil penalty, if any, to be assessed for such violation and
25 serve a copy of the written determination by personal service or by
26 certified mail, return receipt requested, upon such person. If the State
27 Fire Marshal's investigation was commenced based on information provided
28 pursuant to subdivision (2)(a)(ii) of this section, a copy of the written
29 determination shall also be delivered by first-class mail to the person
30 providing such information.

31 (iv) If the committee determines that the civil penalty to be

1 assessed for any violation exceeds the amount described in subdivision
2 (2)(b)(iv) of this section, the committee shall refer the matter,
3 together with the State Fire Marshal's findings and the committee's
4 written determination, to the Attorney General for prosecution pursuant
5 to subdivision (2)(b)(v) of this section.

6 (v) Not later than thirty days after receipt of the committee's
7 written determination, any party may submit a written request to the
8 State Fire Marshal for a hearing on the matter. The committee shall then
9 appoint a hearing officer to conduct such hearing and set a hearing date
10 and provide written notice of hearing to the parties at least thirty days
11 prior to the date of the hearing. Such notice shall contain the name,
12 address, and telephone number of the hearing officer, a copy of the
13 written determination upon which the hearing shall be held, and the date,
14 time, and place of hearing. The notice of hearing may be served by
15 personal service or by certified mail. If no hearing is requested in
16 answer to the written determination by the person found to have committed
17 any violation as described in subdivision (b) of this subsection, or if a
18 request for a hearing is withdrawn, such person shall pay any civil
19 penalty assessed within thirty days after receipt of the written
20 determination or within thirty days after cancellation of the hearing,
21 whichever is applicable.

22 (vi) In the preparation and conduct of the hearing, the hearing
23 officer shall have the power, on the hearing officer's own motion or upon
24 the request of any party, to compel the attendance of any witness and the
25 production of any documents by subpoena to ensure a fair hearing. The
26 hearing officer may administer oaths and examine witnesses and receive
27 any evidence pertinent to the determination of the matter. Any witnesses
28 so subpoenaed shall be entitled to the same fees as prescribed by law in
29 judicial proceedings in the district court of this state in a civil
30 action and mileage at the same rate provided in section 81-1176 for state
31 employees.

1 (vii) A party may appear at the hearing with or without the
2 assistance of counsel to present testimony, examine witnesses, and offer
3 evidence. A stenographic record of all testimony and other evidence
4 received at the hearing shall be made and preserved pending final
5 disposition of the matter.

6 (viii) Unless all requests for hearing are withdrawn prior to the
7 hearing, following the hearing the hearing officer shall prepare written
8 findings of fact and conclusions of law, and based on such findings of
9 fact and conclusions of law, the committee shall affirm, modify, or
10 reverse the written determination issued under subdivision (2)(a)(iii) of
11 this section and issue a final order. The committee's final order may
12 include an assessment of costs incurred in conducting the hearing,
13 including the costs of the hearing officer and compelling the attendance
14 of witnesses, and assess such costs against the parties. Any party
15 aggrieved by the final order of the committee may appeal the decision,
16 and such appeal shall be in accordance with the Administrative Procedure
17 Act; and

18 (b)(i) Except as provided in subdivision (2)(b)(ii) of this section,
19 any person who violates section 76-2320, 76-2320.01, 76-2320.02, 76-2321,
20 76-2322, 76-2323, 76-2326, 76-2330, or 76-2331 or any rule or regulation
21 adopted and promulgated by the State Fire Marshal pursuant to section
22 76-2319 shall be subject to a civil penalty as follows:

23 (A) For a violation by an excavator or an operator related to a gas
24 or hazardous liquid underground pipeline facility or a fiber optic
25 telecommunications facility, an amount not to exceed ten thousand dollars
26 for each violation for each day the violation persists, up to a maximum
27 of five hundred thousand dollars; and

28 (B) For a violation by an excavator or an operator related to any
29 other underground facility, an amount not to exceed five thousand dollars
30 for each day the violation persists, up to a maximum of fifty thousand
31 dollars.

1 (ii) In addition to or in lieu of assessing a civil penalty as
2 provided in subdivision (i) of this subsection, the committee may order
3 that a violator take and complete continuing education regarding
4 compliance with the One-Call Notification System Act. Such continuing
5 education shall be approved by the State Fire Marshal.

6 (iii) When imposing a civil penalty, the committee shall consider
7 the nature, circumstances, and gravity of the violation and, with respect
8 to the person found to have committed the violation, the degree of
9 culpability, the absence or existence of prior violations, whether the
10 violation was a willful act, any good faith attempt to achieve
11 compliance, and such other matters as justice may require.

12 (iv) The committee shall not assess a civil penalty that is more
13 than ten thousand dollars per violation. The violator shall pay the costs
14 of the investigation as billed by the State Fire Marshal. The State Fire
15 Marshal shall remit such paid costs to the State Treasurer for credit to
16 the fund from which the costs were expended.

17 (v) As provided in subdivision (2)(a)(iv) of this section, for any
18 investigation in which a civil penalty in excess of the amount described
19 in subdivision (2)(b)(iv) of this section is deemed justified by the
20 committee, the committee shall refer such matter to the Attorney General
21 or a prosecuting attorney who shall bring an action on behalf of the
22 State of Nebraska to recover such penalty in any court of competent
23 jurisdiction of this state. The trial shall be before the court, which
24 shall consider the nature, circumstances, and gravity of the violation
25 and, with respect to the person found to have committed the violation,
26 the degree of culpability, the absence or existence of prior violations,
27 whether the violation was a willful act, any good faith attempt to
28 achieve compliance, and such other matters as justice may require in
29 determining the amount of penalty imposed.

30 (vi) Costs incurred by the investigation conducted pursuant to
31 subdivision (2)(a) of this section may be sought as part of any judgment

1 against a violator. The State Fire Marshal shall remit any such recovered
2 costs to the State Treasurer for credit to the fund from which the costs
3 were expended.

4 (vii) All civil penalties collected pursuant to this subsection
5 shall be remitted to the State Treasurer for distribution in accordance
6 with Article VII, section 5, of the Constitution of Nebraska.

7 Sec. 9. The State Fire Marshal shall adopt and promulgate rules and
8 regulations to carry out section 7 of this act and subsection (2) of
9 section 76-2325, including general rules of practice and procedure
10 relating to the committee, training requirements for investigators, and
11 rules governing the investigation process.

12 Sec. 10. Section 81-502.03, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 81-502.03 (1) In case of disagreement concerning the propriety of
15 any action taken or proposed to be taken by the State Fire Marshal or the
16 application of any statute, rule, or regulation under the jurisdiction of
17 the of his or her office with respect to any establishment or
18 installation, the State Fire Marshal may, and upon application of any
19 party in interest, shall provide for a hearing before the Nebraska Fire
20 Safety Appeals Board in the county of the establishment or installation
21 which is the subject of the disagreement. At least ten days' written
22 notice shall be given to the governing body responsible for the
23 establishment or installation involved and to any public official having
24 jurisdiction. The board shall make a decision based upon the evidence
25 brought forth in the hearing and issue its order accordingly. Prior to
26 ordering any political or governmental subdivision of the State of
27 Nebraska to make any modification in the design or construction of any
28 public building or any modification in the location, installation, or
29 operation of any existing equipment in any public building or to replace
30 such equipment, the State Fire Marshal, his or her first assistant, or
31 one of his or her deputies shall personally appear at a regular meeting

1 of the governing board of such subdivision and present a written report
2 stating the condition of such building or equipment and the reason why
3 such building should be modified or such equipment should be modified or
4 replaced, and a copy of such report shall be attached to the order.
5 Nothing in this section shall prevent the State Fire Marshal from
6 ordering necessary repairs, and nothing in sections 81-502.01 to
7 81-502.03 shall prevent the State Fire Marshal, when actual and immediate
8 danger to life exists, from ordering and requiring the occupants to
9 vacate a building or structure subject to his or her jurisdiction.

10 (2) This section shall not apply to any decision, determination, or
11 other action taken or made by the State Fire Marshal or the Underground
12 Excavation Safety Committee under the One-Call Notification System Act.

13 Sec. 11. Sections 11 to 17 of this act shall be known and may be
14 cited as the Rural Communications Sustainability Act.

15 Sec. 12. It is hereby declared to be the policy of this state to
16 ensure that all Nebraskans have access to affordable and reliable
17 communications services in rural high-cost areas, and to ensure the long-
18 term sustainability of infrastructure necessary to preserve such access.

19 Sec. 13. For purposes of the Rural Communications Sustainability
20 Act:

21 (1) Broadband deployment program means a federal or state program
22 authorizing payment of public funds for the purpose of deployment of
23 communications infrastructure;

24 (2) Commission means the Public Service Commission;

25 (3) Communications infrastructure means infrastructure, facilities,
26 and equipment capable of providing broadband or telecommunications
27 services;

28 (4) Competitive provider means a communications provider as defined
29 in section 86-125, including, but not limited to, lawfully franchised
30 cable providers and competitive local exchange carriers in a local
31 exchange area;

1 (5) Deployment project area means a contiguous geographic area
2 consisting of locations serviceable by broadband or telecommunications
3 services determined by the granting agency for a project funded under a
4 broadband deployment program. A deployment project area may consist of
5 geographical areas in more than one local exchange area;

6 (6) Eligible telecommunications carrier has the same meaning as in
7 section 86-134;

8 (7) Granting agency means any state agency or political subdivision
9 of the state which has authority to award, grant, direct, or redirect
10 public funds under a broadband deployment program;

11 (8) Incumbent carrier means an incumbent carrier in a local exchange
12 area as defined by rules and regulations adopted and promulgated by the
13 commission; and

14 (9) Local exchange area has the same meaning as in section 86-115.

15 Sec. 14. When determining a deployment project area, the granting
16 agency shall collaborate with the Nebraska Broadband Office and the
17 commission to ensure compliance with the Rural Communications
18 Sustainability Act.

19 Sec. 15. After a granting agency makes final payment of public
20 funds under a broadband deployment program to a competitive provider in a
21 deployment project area that is part of a local exchange area served by
22 an incumbent carrier, upon request by the incumbent carrier the
23 commission shall:

24 (1) Upon finding that the granting agency has determined the
25 competitive provider is in compliance with all requirements of the
26 broadband deployment program, relieve the incumbent carrier of eligible
27 telecommunications carrier obligations and carrier of last resort
28 obligations in the deployment project area;

29 (2) Consistent with rules of procedure adopted and promulgated by
30 the commission, make determinations related to allocations and
31 distributions of support from the Nebraska Telecommunications Universal

1 Service Fund for the deployment project area; and
2 (3) In coordination with the Federal Communications Commission, and
3 in consultation with the incumbent carrier and the competitive provider,
4 determine whether eligible telecommunications carrier and carrier of last
5 resort obligations corresponding with support from the Nebraska
6 Telecommunications Universal Service Fund in the deployment project area
7 should be transferred to the competitive provider.

8 Sec. 16. In carrying out the Rural Communications Sustainability
9 Act, the commission shall not:

10 (1) Require a competitive provider to accept or receive support from
11 the Nebraska Telecommunications Universal Service Fund;

12 (2) Impose eligible telecommunications carrier responsibilities or
13 carrier of last resort obligations relating to the Nebraska
14 Telecommunications Universal Service Fund Act on a competitive provider
15 in any deployment project area where the incumbent carrier or competitive
16 provider is not actually receiving support from the Nebraska
17 Telecommunications Universal Service Fund; or

18 (3) Impose eligible telecommunications carrier responsibilities or
19 carrier of last resort obligations on an incumbent carrier that are not
20 in existence as of the date of final payment made pursuant to section 15
21 of this act.

22 Sec. 17. The commission may adopt and promulgate rules and
23 regulations as necessary to carry out the Rural Communications
24 Sustainability Act.

25 Sec. 22. Section 86-1241, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 86-1241 (1) Except as provided by the Small Wireless Facilities
28 Deployment Act or applicable federal law, an authority shall continue to
29 exercise zoning, land-use, planning, and permit-granting authority within
30 its territorial boundaries, including with respect to wireless support
31 structures and utility poles, except that no authority shall have or

1 exercise any jurisdiction or authority over the design, engineering,
2 construction, installation, or operation of any small wireless facility
3 located in an interior structure or upon the site of any college or
4 university campus, stadium, or athletic facility not owned or controlled
5 by the authority, other than to comply with applicable codes. An
6 authority shall evaluate the structure classification for wireless
7 support structures under the standard of the American National Standards
8 Institute found in ANSI/TIA-222, as such standard existed on January 1,
9 2019. Nothing in the Small Wireless Facilities Deployment Act shall
10 authorize the State of Nebraska or any agency or political subdivision
11 thereof, including an authority, to require wireless facility deployment
12 or to regulate wireless services.

13 (2) Except as provided in the Small Wireless Facilities Deployment
14 Act or as otherwise specifically authorized by state or federal law, an
15 authority may not impose or collect a tax, fee, or rate on a
16 communications service provider authorized to operate in a right-of-way
17 by federal, state, or local law for the provision of communications
18 service over the communications service provider's communications
19 facilities in the right-of-way, adopt or enforce any regulations or
20 requirements on the placement or operation of communications facilities
21 in the right-of-way by the communications service provider, or regulate
22 any communications services. This subsection does not apply to the
23 activities of a communications service provider that are outside the
24 scope of the Small Wireless Facilities Deployment Act.

25 Sec. 23. Section 86-1304, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 86-1304 (1)(a) A provider, a cooperative, a political subdivision,
28 or an Indian tribe may apply to the commission for a grant on forms
29 provided by the commission. The grant shall only be used for development
30 costs for a qualifying project. The application shall indicate the
31 project area. The applicant shall provide matching funds equal to fifty

1 percent of the total development costs of the project if located outside
2 a high-cost area, or twenty-five percent of the total development costs
3 of the project if located inside a high-cost area, as such areas are
4 determined by the commission. The matching funds requirement in this
5 subdivision shall not apply to any portion of a grant comprised of
6 federal funds. In order to qualify, the project is required to provide
7 broadband Internet service scalable to one hundred megabits per second
8 for downloading and one hundred megabits per second for uploading, or
9 greater. The commission shall establish deadlines for applications and
10 publish notice of the deadlines on the commission's website Applications
11 ~~shall be submitted on or before July 1 for each fiscal year.~~

12 (b) An application from a political subdivision or an Indian tribe
13 shall be made as part of a public-private partnership with a provider.

14 (2)(a) As part of the application, the applicant shall agree to
15 complete the project within eighteen months after the date the grant is
16 awarded. The commission may permit extensions upon request and for good
17 cause shown.

18 (b) If a grant recipient fails to complete the project by the agreed
19 or extended deadline, as the case may be, the recipient shall repay the
20 grant as provided in this subdivision. If no extension is permitted, ten
21 percent of the grant shall be repaid for each month that the project is
22 not complete after the eighteen-month period, up to one hundred percent
23 of the grant. If an extension is permitted, twenty percent of the grant
24 shall be repaid for each month that the project is not complete after the
25 extension period, up to one hundred percent of the grant.

26 (3)(a) As part of the application, the applicant shall agree to
27 submit the broadband network completed as a result of the grant to speed
28 tests as determined by the commission. The grant recipient shall conduct
29 the speed tests and submit the results to the commission. The speed tests
30 shall be conducted for one week using a random sample of locations of
31 consumers who subscribe to the network completed as a result of the

1 grant.

2 (b) If the broadband network does not provide service at the speeds
3 required pursuant to subdivision (1)(a) of this section according to the
4 speed tests under subdivision (3)(a) of this section, the grant recipient
5 shall be allowed a reasonable time to address the speed deficiencies and
6 conduct a second set of speed tests as described in subdivision (3)(a) of
7 this section. If the broadband network does not provide service at the
8 speeds required pursuant to subdivision (1)(a) of this section according
9 to the second set of speed tests, the grant recipient shall repay the
10 grant.

11 Sec. 25. Section 86-1312, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 86-1312 (1) Any political subdivision of the state that allocates
14 funds received under the federal American Rescue Plan Act of 2021 for
15 eligible broadband infrastructure projects may coordinate with the
16 commission by mutual consent to administer such federal funds in a manner
17 consistent with the Nebraska Broadband Bridge Act.

18 (2) In administering federal funds pursuant to subsection (1) of
19 this section, the commission may allocate such funds received for
20 eligible projects awarded grants under subdivision (1)(c) of section
21 81-12,245 to any portion of a local exchange area containing a city of
22 the second class or village.

23 Sec. 26. Original sections 39-2805, 66-4,100, and 81-502.03, Reissue
24 Revised Statutes of Nebraska, and sections 76-2301, 76-2303, 76-2323,
25 76-2325, 86-331, 86-333, 86-1103, 86-1241, 86-1304, 86-1309, and 86-1312,
26 Revised Statutes Cumulative Supplement, 2022, are repealed.

27 Sec. 27. The following section is outright repealed: Section
28 76-2325.02, Revised Statutes Cumulative Supplement, 2022.

29 2. Renumber the remaining sections and correct internal references
30 accordingly.