

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 359

Introduced by Hughes, 24.

Read first time January 12, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend
2 section 86-1304, Revised Statutes Cumulative Supplement, 2022; to
3 change provisions relating to application deadlines; and to repeal
4 the original section.

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

1 Section 1. Section 86-1304, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 86-1304 (1)(a) A provider, a cooperative, a political subdivision,
4 or an Indian tribe may apply to the commission for a grant on forms
5 provided by the commission. The grant shall only be used for development
6 costs for a qualifying project. The application shall indicate the
7 project area. The applicant shall provide matching funds equal to fifty
8 percent of the total development costs of the project if located outside
9 a high-cost area, or twenty-five percent of the total development costs
10 of the project if located inside a high-cost area, as such areas are
11 determined by the commission. The matching funds requirement in this
12 subdivision shall not apply to any portion of a grant comprised of
13 federal funds. In order to qualify, the project is required to provide
14 broadband Internet service scalable to one hundred megabits per second
15 for downloading and one hundred megabits per second for uploading, or
16 greater. The commission shall establish deadlines for applications and
17 publish notice of the deadlines on the commission's website Applications
18 ~~shall be submitted on or before July 1 for each fiscal year.~~

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

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

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

1 extension period, up to one hundred percent of the grant.

2 (3)(a) As part of the application, the applicant shall agree to
3 submit the broadband network completed as a result of the grant to speed
4 tests as determined by the commission. The grant recipient shall conduct
5 the speed tests and submit the results to the commission. The speed tests
6 shall be conducted for one week using a random sample of locations of
7 consumers who subscribe to the network completed as a result of the
8 grant.

9 (b) If the broadband network does not provide service at the speeds
10 required pursuant to subdivision (1)(a) of this section according to the
11 speed tests under subdivision (3)(a) of this section, the grant recipient
12 shall be allowed a reasonable time to address the speed deficiencies and
13 conduct a second set of speed tests as described in subdivision (3)(a) of
14 this section. If the broadband network does not provide service at the
15 speeds required pursuant to subdivision (1)(a) of this section according
16 to the second set of speed tests, the grant recipient shall repay the
17 grant.

18 Sec. 2. Original section 86-1304, Revised Statutes Cumulative
19 Supplement, 2022, is repealed.