

LEGISLATIVE BILL 996

Approved by the Governor July 24, 2020

Introduced by Brandt, 32; Hunt, 8; Blood, 3.

A BILL FOR AN ACT relating to telecommunications; to amend section 49-14,101.03, Reissue Revised Statutes of Nebraska, and section 86-101, Revised Statutes Supplement, 2019; to create the Broadband Data Improvement Program; to provide powers and duties for the Public Service Commission under the Nebraska Telecommunications Regulation Act; to provide for a government Internet network use policy for the Legislature; 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 49-14,101.03, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,101.03 (1) Any use of public resources by a public official or public employee which is incidental or de minimis shall not constitute a violation of section 49-14,101.01 or 49-14,101.02.

(2) For purposes of sections 49-14,101.01 and 49-14,101.02, a resource of government, including a vehicle, shall not be considered a public resource and personal use shall not be prohibited if (a) the use of the resource for personal purposes is part of the public official's or public employee's compensation provided in an employment contract or a written policy approved by a government body and (b) the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid. If authorized by the contract or policy, the resource may be used whether or not the public official or public employee is engaged in the duties of his or her public office or public employment.

(3) Use of a government vehicle by a public official or public employee to travel to a designated location or the home of the public official or public employee is permissible when the primary purpose of the travel serves a government purpose and the use is pursuant to a written policy approved by a government body.

(4) Use of a government Internet network by a member of the Legislature for essential personal business is permissible when the member is serving in the member's official capacity and such use is pursuant to a written policy approved by the Executive Board of the Legislative Council.

(5) ~~(4)~~ Pursuant to a collective-bargaining agreement, a public facility may be used by a bargaining unit to meet regarding activities of the union or bargaining unit. This section shall not authorize the use of public resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.

(6) ~~(5)~~ Nothing in the Nebraska Political Accountability and Disclosure Act prohibits a public official or public employee from using his or her personal cellular telephone, electronic handheld device, or computer to access a wireless network to which access is provided to the public by a government body.

Sec. 2. Section 86-101, Revised Statutes Supplement, 2019, is amended to read:

86-101 Sections 86-101 to 86-165 and section 3 of this act shall be known and may be cited as the Nebraska Telecommunications Regulation Act.

Sec. 3. (1) To ensure that the State of Nebraska is accurately represented in federal broadband grant programs, including grants from the federal Universal Service Fund, the Broadband Data Improvement Program is created. The Broadband Data Improvement Program shall be administered by the commission.

(2) The purpose of the Broadband Data Improvement Program is to:

(a) Complement the granular broadband availability data submitted by service providers to the Federal Communications Commission or the Universal Service Administrative Company;

(b) Leverage the Federal Communication Commission's Digital Opportunity Data Collection to improve Nebraska's broadband map; and

(c) Encourage Nebraskans to participate in crowdsourcing efforts developed to enhance federal broadband mapping.

(3) In administering the Broadband Data Improvement Program, the commission may:

(a) Participate in the Federal Communication Commission's Digital Opportunity Data Collection, as such collection existed on January 1, 2020;

(b) In the absence of a federal program to crowdsource broadband data, develop a state-based broadband data crowdsource program if it is determined by the commission that doing so would improve Nebraska's broadband map;

(c) Develop a statewide outreach plan to promote citizen participation in a state or federal broadband data crowdsource program;

(d) Allocate resources to areas of the state where public feedback, crowdsourcing, or other evidence suggests that the federal broadband data may be inaccurate;

(e) Prioritize data improvement in rural areas, including those areas within any city of the first class, city of the second class, village, or unincorporated area of a county; and

(f) Adhere to any guidelines established by the Federal Communications Commission for states to improve data.

(4) The commission may adopt and promulgate rules and regulations to carry out the purposes of this section.

Sec. 4. Sections 2, 3, and 6 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. 5. Original section 49-14,101.03, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 6. Original section 86-101, Revised Statutes Supplement, 2019, is repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.