

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 176

Introduced by Hughes, 24.

Read first time January 13, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend
- 2 section 86-1304, Reissue Revised Statutes of Nebraska; to require
- 3 resolutions of project support from political subdivisions as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 86-1304, Reissue Revised Statutes of Nebraska, is
2 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.

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

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

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

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

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

17 (4) As part of the application, the applicant shall provide a
18 resolution of project support adopted by each county, city, and village
19 in which the proposed project will be located. The resolution of project
20 support shall include, at a minimum, the following:

21 (a) A map of the proposed project area;

22 (b) Acknowledgement that the applicant will be applying for
23 appropriate permits; and

24 (c) A proposed timeline for the proposed project.

25 ~~(5)~~ (4) No applicant shall be eligible to receive a grant if such
26 applicant uses or provides any communications equipment or service deemed
27 to pose a threat to national security identified on the Covered List
28 developed pursuant to 47 C.F.R. 1.50002, as such regulation existed on
29 January 1, 2023, and published by the Public Safety and Homeland Security
30 Bureau of the Federal Communications Commission pursuant to the federal
31 Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. 1601 et

1 seq., as such act existed on January 1, 2023, and the rules adopted
2 pursuant to such act by the Federal Communications Commission on November
3 11, 2022, in its Report and Order FCC 22-84.

4 **Sec. 2.** Original section 86-1304, Reissue Revised Statutes of
5 Nebraska, is repealed.