

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1214

Introduced by Geist, 25.

Read first time January 20, 2022

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Nebraska Broadband Bridge Act; to amend
2 sections 86-1301, 86-1306, and 86-1308, Revised Statutes Supplement,
3 2021; to change provisions relating to grant application scoring and
4 grant recipient conditions and obligations; to provide
5 applicability; to harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 86-1301, Revised Statutes Supplement, 2021, is
2 amended to read:

3 86-1301 Sections 86-1301 to 86-1310 and section 4 of this act shall
4 be known and may be cited as the Nebraska Broadband Bridge Act.

5 Sec. 2. Section 86-1306, Revised Statutes Supplement, 2021, is
6 amended to read:

7 86-1306 (1) The commission shall establish a weighted scoring system
8 to evaluate and rank the applications received each fiscal year.

9 (2) In each fiscal year, at least thirty days prior to the first day
10 that applications may be submitted, the commission shall publish on the
11 commission's website the specific criteria and the quantitative weighted
12 scoring system the commission will use to evaluate and rank applications
13 and award grants pursuant to the program. Such weighted scoring system
14 shall consider, at a minimum:

15 (a) The financial, technical, and legal capability of the applicant
16 to deploy and operate broadband Internet service;

17 (b) Whether the provider is designated as an eligible
18 telecommunications carrier or will be so designated prior to the project
19 completion date;

20 (c) The ability of an applicant to offer rates in the project area
21 for the applicant's currently offered speed tiers that are comparable to
22 the rates offered by the applicant outside the project area for the same
23 currently offered speed tiers;

24 (d) The available minimum broadband speeds, with higher scores for
25 faster speeds, except that no grant shall be awarded based on speeds less
26 than those scalable to one hundred megabits per second for downloading
27 and one hundred megabits per second for uploading, or greater;

28 (e) The ability of the broadband infrastructure to be scalable to
29 higher broadband Internet speeds in the future; and

30 (f) Whether the applicant has committed to fund more than fifty
31 percent of the total development costs of the project from sources other

1 than grants under the program, with higher scores for higher amounts of
2 matching funds.

3 Sec. 3. Section 86-1308, Revised Statutes Supplement, 2021, is
4 amended to read:

5 86-1308 (1) For each fiscal year, the commission shall approve grant
6 funding for all qualified applicants within the limits of available
7 appropriations.

8 (2) As a condition of accepting a grant under the program, the
9 applicant shall agree to provide broadband Internet service in the
10 project area ~~for five years after receipt of grant funding until released~~
11 ~~from the applicant's commitment by the commission.~~

12 (3) The commission shall not add to the obligations required of a
13 grant recipient ~~except as specifically authorized under the Nebraska~~
14 ~~Broadband Bridge Act after the grant is awarded without the consent of~~
15 ~~the grant recipient.~~

16 (4) The maximum grant amount awarded under the program with respect
17 to any single project shall be five million dollars.

18 Sec. 4. Nothing in the Nebraska Broadband Bridge Act shall be
19 construed to authorize the commission to regulate the terms, conditions,
20 speed tier offerings, or prices of Internet services. If any provision of
21 the act or any rules and regulations adopted and promulgated under the
22 act are in conflict with subdivision (1)(d) of section 86-124, such
23 subdivision shall control.

24 Sec. 5. Original sections 86-1301, 86-1306, and 86-1308, Revised
25 Statutes Supplement, 2021, are repealed.