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## DIGEST

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HB 465 Engrossed

2021 Regular Session

Mike Johnson

**Abstract:** Regulates the leasing of the 4.9GHz band.

Present law requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to address issues relating to public safety and emergency response, including spectrum.

Proposed law removes the authority to oversee, direct, or manage the 4.9 GHz band from GOHSEP.

Proposed law defines "4.9 GHz band" and "office".

Proposed law designates the office under the control of the executive director of broadband development and connectivity (office) as the lessor of the 4.9 GHz band (band).

Proposed law requires the office to develop a policy for leasing the band and to ensure that the policy complies with present law.

Proposed law requires the band be leased using a blind auction method and provides a procedure for the blind auction.

Proposed law provides that the band be auctioned in accordance with the following:

- (1) Three portions of the band, each consisting of 10 megahertz.
- (2) One portion of the band consisting of 15 megahertz.

Proposed law requires that five megahertz of the band be reserved for public safety usage.

Proposed law limits the length of the auction to three years and allows a winning bidder to apply for an additional two years of usage.

Proposed law requires a winning bidder to utilize the awarded portion of the band or submit plans to utilize portions of the band within three years from the date of possession. If the winning bidder fails to utilize or submit plans within three years, the office regains possession of the awarded portion of the band.

If there are no winning bids, proposed law requires the office to attempt to auction that portion again within one year.

Proposed law requires the initial auction to take place on or before June 10, 2022.

Proposed law prohibits the office from auctioning off a portion of the band located in certain parishes within the 2022 calendar year.

Proposed law requires auction winners, incumbents, and entities using the band for public safety use to submit reports to the office before Jan. 1, 2022, and provides the information to be contained in the report.

Proposed law requires the office to submit a report to the House and Senate commerce committees prior to Jan. 1, 2023, and provides the information to be contained in the report.

Proposed law requires the office, with the assistance of the Division of Administration, to establish, facilitate, and maintain two separate task forces. One task force shall consider the commercial use of the band and one task force shall consider the public safety use.

Proposed law provides the membership, meeting requirements, considerations, and reporting requirements each task force is required to comply with.

Proposed law requires the executive director of broadband development and connectivity to serve as chair of both task forces.

Proposed law requires both task forces to submit reports to the legislature.

(Amends R.S. 29:725.4; Adds R.S. 51:1371-1376)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Remove the requirement that auction winners, incumbents, and entities using the 4.9 GHz band for public safety include an estimate of moving current 4.9GHz band to 5 GHz band in the report submitted to the office.
2. Make technical changes.