

2022 Regular Session

SENATE BILL NO. 455

BY SENATOR BOUDREAUX

INTERNET. Provides for broadband connectivity. (8/1/22)

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AN ACT

To amend and reenact R.S. 51:1362(A), 1365, and R.S. 44:4.1(B)(35) and to enact R.S. 51:1363.1, relative to internet; to provide for broadband connectivity; to provide for development and implementation of a plan to provide access to broadband internet; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1362(A) and 1365 are hereby amended and reenacted and R.S. 51:1363.1 is hereby enacted to read as follows:

§1362. The office of broadband and connectivity

A. There is hereby created within the ~~office of the governor~~ **division of administration** the office of broadband and connectivity. The head of the office shall be the executive director of broadband and connectivity, ~~who shall be appointed by the governor to serve at his pleasure. The appointment shall be subject to Senate confirmation.~~

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§1363.1. Mapping areas for broadband service

A.(1) The office of broadband and connectivity shall secure information

1 from any entity, public or private, providing internet service to at least one
 2 location in the state to assist the office in compiling a statewide parish by parish
 3 broadband map identifying the locations and capability of broadband service
 4 in the state. At the request of the office, any such entity shall submit to the
 5 office, on or before the date required for submission to the federal government,
 6 broadband deployment information containing the same information and in the
 7 same format the information is submitted to the Federal Communications
 8 Commission, in a manner specified by the office.

9 (2) Any entity, public or private, providing internet service to at least one
 10 location in the state, that does not comply with the requirements of this Section
 11 or submits inaccurate information, may be ineligible to participate in, or receive
 12 any funding from, any state-administered grant program designated for
 13 broadband infrastructure deployment in the state in the calendar year of
 14 noncompliance and the following calendar year.

15 (3) Any location in the state purportedly served by any entity, public or
 16 private, providing internet service to at least one location in the state, that does
 17 not comply with the requirements of this Section may be considered to have
 18 internet access service of less than twenty-five megabits per second for
 19 download and three megabits per second for upload.

20 B. Information compiled pursuant to the provisions of this Section shall
 21 be exempt from the Public Records Law and shall be considered confidential,
 22 proprietary, and a trade secret of the internet service provider providing the
 23 information.

24 * * *

25 §1365. Termination

26 The provisions of this Chapter shall terminate at twelve o'clock midnight on
 27 June 30, ~~2023~~ **2026**, and shall thereafter have no effect.

28 * * *

29 Section 2. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as

1 follows:

2 §4.1. Exceptions

3 * * *

4 B. The legislature further recognizes that there exist exceptions, exemptions,
5 and limitations to the laws pertaining to public records throughout the revised
6 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
7 limitations are hereby continued in effect by incorporation into this Chapter by
8 citation:

9 * * *

10 (35) R.S. 51:710.2(B), 705, 706, 936, **1363.1**, 1404, 1926, 1934, 2113, 2182,
11 2262, 2318, 2389

12 * * *

The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Xavier Alexander.

DIGEST

SB 455 Engrossed 2022 Regular Session Boudreaux

Present law creates the office of broadband and connectivity (office) within the office of the governor.

Proposed law moves the office from the office of the governor to the division of administration.

Present law provides that the head of the office shall be appointed by the governor subject to Senate confirmation.

Proposed law deletes present law.

Proposed law provides that the office of broadband and connectivity shall secure information from any entity providing internet service to at least one location in the state to compile a statewide broadband map.

Proposed law provides that at the request of the office of broadband and connectivity, any entity providing internet service, shall submit to the office broadband deployment information containing the same information in the same format in which the information is submitted to the Federal Communication commission.

Proposed law provides that any entity providing internet service to at least one location in this state that internet service providers that does not comply with the reporting requirements or provides inaccurate information may be ineligible to participate in, or receive funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of noncompliance and the following calendar year.

Proposed law provides that any location in the state purportedly served by any entity, providing internet service to at least one location in the state, that does not comply with the requirements of present law may be considered to have internet access service of less than 25 megabits per second for download and three megabits per second for upload.

Proposed law exempts from public records the information submitted by internet service providers to the office.

Present law sunsets the office at 12 o'clock midnight on June 30, 2023.

Proposed law deletes present law and sunsets the office at 12 o'clock midnight on June 30, 2026.

Effective August 1, 2022.

(Amends R.S. 51:1362, 1365, and R.S. 44:4.1(B)(35) and adds R.S. 51:1363.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Make technical changes.
2. Moves the office of broadband development and connectivity from the office of the governor to the division of administration.
3. Requires internet service providers to report certain information to the office of broadband and connectivity.
4. Provides internet service providers may be ineligible for certain grants if they do not comply with reporting requirements or provide inaccurate information to the office of broadband and connectivity.
5. Provides that a potentially served location now in compliance with proposed law requirements may be considered unserved.
6. Exempts from public records the information submitted by the internet service providers to the office of broadband and connectivity.
7. Sunsets the office of broadband and connectivity on June 30, 2026.