

2022 Regular Session

SENATE BILL NO. 455

BY SENATOR BOUDREAUX

INTERNET. Provides for broadband development and connectivity. (gov sig)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact R.S. 51:1361(3), 1362(A), the introductory paragraph of R.S. 51:1363, 1365, the title of Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950, and R.S. 44:4.1(B)(35), and to enact R.S. 51:1363.1, relative to internet; to provide for the office of broadband development and connectivity; to provide for development and implementation of a plan to provide access to broadband internet; to provide for the functions and responsibilities of the office of broadband development and connectivity; to provide for the termination date of the office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1361(3), 1362(A), the introductory paragraph of R.S. 51:1363, 1365, and the title of Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted and R.S. 51:1363.1 is hereby enacted to read as follows:

CHAPTER 12. THE OFFICE OF BROADBAND DEVELOPMENT  
AND CONNECTIVITY

§1361. Definitions

When used in this Chapter:

\* \* \*

(3) "Office" means the office of broadband development and connectivity.

\* \* \*

§1362. The office of broadband development and connectivity

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

\* \* \*

§1363. Functions, powers, and duties

The office of broadband development and connectivity, by and through the executive director or his employees, shall have the following functions, powers, and duties:

\* \* \*

**§1363.1. Mapping areas for broadband service**

**A.(1) The office of broadband development and connectivity shall secure information from any entity, public or private, providing internet service to at least one location in the state to assist the office in compiling a statewide parish by parish broadband map identifying the locations and capability of broadband service in the state. At the request of the office, any such entity shall submit to the office, on or before fifteen days following the expiration of the date required for submission to the federal government, broadband deployment information containing the same information and in the same format the information is submitted to the Federal Communications Commission, in a manner specified by the office. In no instance shall an entity be required to provide any data beyond that which it is required to provide to the Federal Communications Commission.**

**(2) Any entity, public or private, providing internet service to at least one**

1 location in the state, that does not comply with the requirements of this Section  
2 or submits inaccurate information, may be ineligible to participate in, or receive  
3 any funding from, any state-administered grant program designated for  
4 broadband infrastructure deployment in the state in the calendar year of  
5 noncompliance and the following calendar year.

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

11 (4) Any broadband availability data provided in accordance with this  
12 Section shall strictly be used for the purpose of identifying served, underserved,  
13 and unserved areas to aid in the administration of the "Granting Unserved  
14 Municipalities Broadband Opportunities" program, and for no other purpose  
15 whatsoever.

16 (5) Any entity submitting broadband data to the office of broadband  
17 development and connectivity as required by this Section may review the  
18 proposed of the draft state broadband map and submit any necessary corrective  
19 data to the office prior to the publication or utilization of the state broadband  
20 map for any state-administered grant program designated for broadband  
21 infrastructure deployment in the state.

22 (6) Any entity submitting broadband data to the office of broadband  
23 development and connectivity as required by this Section may challenge any  
24 area ultimately deemed eligible for any state-administered grant program  
25 designated for broadband infrastructure deployment in the state that overlap  
26 with an entity's verified service territory.

27 B.(1) The office may contract with a private entity or third-party  
28 consultant to develop and maintain the state broadband map. Any contract  
29 entered into by the office and a private entity or third-party consultant for the

1 purpose of developing and maintaining the state broadband map shall include  
2 a confidentiality agreement prohibiting the disclosure of any broadband data  
3 provided in accordance with this Section.

4 (2) Information compiled pursuant to the provisions of this Section shall  
5 be exempt from the Public Records Law and shall be considered confidential,  
6 proprietary, and a trade secret of the entity providing the information. The  
7 office, including any private entity or third-party consultant retained or  
8 employed pursuant to this Section, shall keep strictly confidential and shall not  
9 disclose, or cause or permit to be disclosed, to any third person, private entity  
10 or public body as defined by R.S. 44:1, any broadband availability data  
11 provided in accordance with this Section. The office, including any private  
12 entity or third-party consultant retained or employed pursuant to this Section,  
13 shall take all actions reasonably necessary to ensure that the broadband  
14 availability data remains strictly confidential and is not disclosed to or seen,  
15 used or obtained by any third person, private entity or public body as defined  
16 by R.S. 44:1.

17 C. The requirements of this Section shall terminate under any one of the  
18 following conditions, whichever occurs first:

19 (1) Upon a determination by the office of broadband development and  
20 connectivity that it is no longer necessary to compile a statewide parish by  
21 parish broadband map identifying the locations and capability of broadband  
22 service in the state.

23 (2) At midnight on December 31, 2026.

24 D. The office may promulgate rules necessary to carry out the provisions  
25 of this Section in accordance with the provisions of the Administrative  
26 Procedure Act.

27 \* \* \*

28 §1365. Termination

29 The provisions of this Chapter shall terminate at twelve o'clock midnight on

1 June 30, ~~2023~~ **2028**, and shall thereafter have no effect.

2 \* \* \*

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

4 §4.1. Exceptions

5 \* \* \*

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

11 \* \* \*

12 (35) R.S. 51:710.2(B), 705, 706, 936, **1363.1**, 1404, 1926, 1934, 2113, 2182,  
13 2262, 2318, 2389

14 \* \* \*

15 Section 3. This Act shall become effective upon signature by the governor or, if not  
16 signed by the governor, upon expiration of the time for bills to become law without signature  
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
19 effective on the day following such approval.

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Thomas L. Tyler.

---

DIGEST

SB 455 Reengrossed                      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 and changes the name of the office to the office of broadband development and connectivity.

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 development 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 development 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. Provides that no entity shall be required to provide any data beyond that which is required to be provided to the Federal Communications 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 provides that any broadband availability data provided shall strictly be used for the purpose of identifying served, underserved, and unserved areas to aid in the administration of the "Granting Unserved Municipalities Broadband Opportunities" program.

Proposed law provides that any entity submitting broadband data may review the proposed of the draft state broadband map and submit any necessary corrective data to the office prior to the publication or utilization of the state broadband map for any state-administered grant program designated for broadband infrastructure deployment in the state.

Proposed law provides that any entity submitting broadband data may challenge any area ultimately deemed eligible for any state-administered grant program designated for broadband infrastructure deployment in the state that overlap with an entity's verified service territory.

Proposed law authorizes the office to contract with a private entity or third-party consultant to develop and maintain the state broadband map. Provides that any contact entered into by the office and a private entity or third-party consultant for the purpose of developing and maintaining the state broadband map shall include a confidentiality agreement prohibiting the disclosure of any broadband data provided under proposed law.

Proposed law provides that information compiled under Proposed law is exempt from the Public Records Law and is considered confidential, proprietary, and a trade secret of the entity providing the information. Requires that the office, including any private entity or third-party consultant retained or employed under proposed law shall keep strictly confidential and not disclose, or cause or permit to be disclosed, to any third person, private entity or public body any broadband availability data provided under proposed law. Requires that all actions be taken as are reasonably necessary to ensure that the broadband availability data remains strictly confidential and is not disclosed to or seen, used or obtained by any third person, private entity or public body.

Proposed law provides that provisions regarding mapping areas terminate under any one of the following conditions, whichever occurs first:

- (1) Upon a determination by the office that it is no longer necessary to compile a statewide parish by parish broadband map identifying the locations and capability

of broadband service in the state.

(2) At midnight on December 31, 2026.

Proposed law authorizes the office to promulgate necessary rules in accordance with the provisions of the Administrative Procedure Act.

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, 2028.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 51:1361(3), 1362(A), 1363(intro para), 1365, and R.S. 44:4.1(B)(35); 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.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Changes name of office to the office of broadband development and connectivity.
2. Places the office in the division of administration.
3. Add provisions for use of broadband availability data to be used strictly to identify served, underserved, and unserved areas.
4. Authorizes an entity submitting data to review the proposed draft state broadband map and submit necessary corrections and to challenge any area ultimately deemed eligible for any state-administered grant program designated for broadband infrastructure development.

5. Authorizes the office to contract with private entities or third-party consultants to develop and maintain the state broadband map.
6. Adds provisions that information compiled is exempt from the Public Records Law and is to be considered confidential, proprietary, and a trade secret of the entity providing the information.
7. Requires that the office, any private entity, or third-party consultant keep broadband availability data strictly confidential, and shall not disclose or cause or permit to be disclosed to any third person, private entity or public body.
8. Provides for termination of mapping provisions under certain conditions.
9. Extend termination of the office of broadband development and connectivity from June 30, 2023 to June 30, 2028.
10. Adds effective upon governor's signature.