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DIGEST

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SB 455 Reengrossed

2022 Regular Session

Boudreaux

Present law provides for 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. Otherwise retains present law.

Present law requires the head of the office to be appointed by the governor and subject to Senate confirmation. Proposed law deletes present law.

Proposed law requires the office to secure certain information from any entity providing internet service to at least 1 location in the state to compile a statewide broadband map.

At the request of the office, proposed law requires any such entity to submit broadband deployment information containing the same information submitted to the Federal Communications Commission (FCC). Further provides that the entity is not required to provide any data beyond that which is required for submission to the FCC.

Proposed law provides that any such entity not in compliance with proposed law 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. Further provides that any location in the state purportedly served by the entity not in compliance with proposed law may be considered to have internet access service of less than 25 megabits per second for download and 3 megabits per second for upload.

Proposed law requires an entity's broadband availability data to be used strictly for the purpose of identifying served, underserved, and unserved areas to aid in administration of the "Granting Unserved Municipalities Broadband Opportunities" program.

Proposed law authorizes the entity submitting broadband data to review a draft of the proposed 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 authorizes the entity submitting broadband data to challenge any area ultimately deemed eligible for any state-administered grant program designated for broadband infrastructure deployment in the state that overlaps 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. Further requires any such contract entered into by the office and a private entity or third-party consultant to 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 Public Records Law (R.S. 44:1.1 et seq.) 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, to 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. Further 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 APA.

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.

Summary of Amendments Adopted by House

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

1. Make technical changes.