

SENATE BILL NO. 80

BY SENATOR MIZELL

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AN ACT

To amend and reenact R.S. 51:2370.13, 2370.32(B), and 2370.41 and to repeal R.S. 51:2370.51, relative to the regulation of certain broadband services; to provide for administration fees; to provide for reimbursement of grantees; to provide for rulemaking; to provide for grants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2370.13, 2370.32(B), and 2370.41 are hereby amended and reenacted to read as follows:

§2370.13. Administration fee

The office may use up to ~~one~~ **two and one-half** percent of the appropriated funds to administer the GUMBO **1.0** program. The office may use an additional ~~one~~ **two and one-half** percent of the appropriated funds to hire third-party contractors as deemed necessary for the further administration of the GUMBO **1.0** program. The additional ~~one~~ **two and one-half** percent shall not be used as compensation for any new or existing positions within the office.

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§2370.32. Reimbursement for grantees

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B.(1) Except as provided in Subsection C of this Section, the next ten percent

1 of the subgrant award shall be provided based on provider certification and the
2 office's verification that ten percent of the eligible locations have been reached. The
3 remaining disbursements shall be given at the thresholds of completion of thirty-five
4 percent, sixty percent, eighty-five percent, and one hundred percent. The final
5 disbursement for one hundred percent completion shall be given only after
6 verification of one hundred percent deployment to eligible locations, within the
7 mandatory forty-eight-month maximum deadline, which may be extended up to a
8 year by the office or another shorter timeline certified by the applicant. The office
9 shall disburse funds only for completed deployments that comply with the terms
10 included in the successful application and shall withhold funds for failure to do so.

11 **(2)(a) The office may withhold only the final payment to a provider, and**
12 **only in an amount equal to the unpaid portion of a final judgment by a court of**
13 **competent jurisdiction for damage to underground utilities or facilities**
14 **occurring during the course of a GUMBO 2.0 project, after a final**
15 **non-appealable adjudication determining that the provider is legally at fault for**
16 **such damage and has failed to timely satisfy the judgment.**

17 **(b) The office may require documentation of repairs, reimbursement of**
18 **damages, corrective action plans, utility coordination records, locate requests,**
19 **or other compliance measures prior to the release of withheld funds. Any**
20 **evidence gathered in the course of such administrative process, as well as any**
21 **findings of the office, shall not be admissible as evidence in any court of law.**

22 **(3)(a) The office shall not withhold any progress payment or interim**
23 **disbursement pursuant to this Section. The office may withhold only the final**
24 **disbursement or closeout payment of a GUMBO 2.0 grant, and only if such**
25 **withholding is authorized by rules promulgated in accordance with the**
26 **Administrative Procedure Act and only after completion of the regular notice,**
27 **public comment, and legislative oversight process applicable to rulemaking**
28 **pursuant to the Administrative Procedure Act. Such rules shall include notice**
29 **to the grantee, a statement of the grounds for withholding, and an opportunity**
30 **for the grantee to cure or respond prior to final agency action.**

1 **assistant secretary pursuant to the IIJA, BEAD program guidelines, state law,**
2 **and this Subpart.**

3 Section 2. R.S. 51:2370.51 is hereby repealed in its entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____