

2020 Second Extraordinary Session

HOUSE BILL NO. 74

BY REPRESENTATIVES DESHOTEL, ADAMS, AMEDEE, BEAULLIEU, BOURRIAQUE, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, COX, CREWS, DAVIS, DEVILLIER, ECHOLS, EDMONDS, EMERSON, FARNUM, FREIBERG, GADBERRY, GAROFALO, GOUDEAU, HARRIS, IVEY, JEFFERSON, MIKE JOHNSON, JONES, KERNER, LYONS, MAGEE, MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, NEWELL, ORGERON, CHARLES OWEN, PIERRE, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SELDERS, STEFANSKI, THOMPSON, TURNER, WHITE, AND WRIGHT AND SENATORS JOHNS AND MIZELL

TELECOMMUNICATIONS: Creates the state office of broadband (Item #39)

1 AN ACT

2 To enact R.S. 36:4(CC), R.S. 49:968(B)(21)(d), and Chapter 12 of Title 51 of the Louisiana  
3 Revised Statutes of 1950, to be comprised of R.S. 51:1361 through 1364, relative to  
4 the office of broadband and connectivity; to place the office within the executive  
5 branch; to provide definitions; to provide for the appointment and termination of an  
6 executive director; to require reporting; to provide for functions, powers, and duties;  
7 to establish contract authority; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 36:4(CC) is hereby enacted to read as follows:

10 §4. Structure of executive branch of state government

11 \* \* \*

12 CC. The office of broadband and connectivity (R.S. 51:1361 et seq.) shall  
13 be placed within the office of the governor and shall perform and exercise its powers,  
14 duties, functions, and responsibilities as provided by law.

15 Section 2. R.S. 49:968(B)(21)(d) is hereby enacted to read as follows:

16 §968. Review of agency rules; fees

17 \* \* \*

1 B.

2 \* \* \*

3 (21)

4 \* \* \*

5 (d) The office of broadband and connectivity shall submit the report to the  
6 House Committee on Commerce and the Senate Committee on Commerce,  
7 Consumer Protection, and International Affairs.

8 \* \* \*

9 Section 3. Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 51:1361 through 1364, is hereby enacted to read as follows:

11 CHAPTER 12. THE OFFICE OF BROADBAND AND CONNECTIVITY

12 §1361. Definitions

13 When used in this Chapter:

14 (1) "Connectivity" means the capacity for the interconnection of platforms,  
15 systems, and applications. It includes but is not limited to systems that utilize cable,  
16 fiber, lines, satellites, sound waves, or wire to transmit information.

17 (2) "Government agency" means any department, office, council, or agency  
18 of the federal, state, or local government, or any public benefit corporation or  
19 authority authorized by law.

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

21 (4) "Person" means any natural or juridical person, including corporations.

22 §1362. The office of broadband and connectivity

23 A. There is hereby created within the office of the governor the office of  
24 broadband and connectivity. The head of the office shall be the executive director  
25 of broadband and connectivity and shall be appointed by the governor from a list of  
26 three candidates nominated by the Joint Legislative Committee on Technology and  
27 Cybersecurity. Any vacancy occurring for this appointment shall be filled in the  
28 same manner as the original appointment. The governor shall have the authority to  
29 terminate the executive director and shall provide written notice of the termination

1 to the nominating committee, except in cases of gross negligence or willful  
2 misconduct by the executive director.

3 B. The executive director shall employ necessary staff to carry out the duties  
4 and functions of the office as provided in this Chapter, or as otherwise provided by  
5 law.

6 C. On or before February first of each year, the executive director shall  
7 prepare and submit to the governor, the House Committee on Commerce, the Senate  
8 Committee on Commerce, Consumer Protection, and International Affairs, and the  
9 Joint Legislative Committee on Technology and Cybersecurity, a comprehensive  
10 report to include, at a minimum, the following information:

11 (1) Activities undertaken by the office during the previous year.

12 (2) Data concerning broadband and other connectivity services in this state  
13 and expansion and deployment of these services.

14 (3) An assessment of the current availability and accessibility of broadband  
15 and other connectivity services in the state.

16 (4) A mapping initiative to identify availability of broadband to every home  
17 and business in the state.

18 (5) Availability and description of public or private grants available for the  
19 expansion or enhancement of broadband services and other connectivity services in  
20 the state.

21 (6) Recommendations for legislative proposals.

22 (7) Identification of resources to assist the office in performing its functions  
23 and duties.

24 D. The governor shall direct that all state agencies provide the executive  
25 director with assistance in advancing the purpose of the office and assure that the  
26 activities of the office are fully coordinated with the activities of state agencies  
27 providing related services.

1        §1363. Functions, powers, and duties

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

4                (1) To provide comprehensive information relating to broadband and  
5        connectivity in the state upon request to any person or government agency.

6                (2) To promote and encourage broadband adoption for households that have  
7        not accessed services.

8                (3) To study and identify barriers to households that have not adopted  
9        broadband services.

10               (4) To advise and assist any person or government agency in addressing  
11        particular broadband and connectivity needs, including cooperative efforts among  
12        such persons and agencies.

13               (5) To develop a mapping initiative that provides for a local-level  
14        methodology that precisely maps the availability of broadband services to every  
15        home and business in the state.

16               (6) To research programs relating to broadband and connectivity services  
17        and receive notification from every person and government agency engaged in the  
18        provision of broadband and connectivity services of program descriptions,  
19        appropriation data, and application procedures. The office shall maintain a listing  
20        of existing programs and advise persons or government agencies of their existence.

21               (7) To assist, upon request, applicant persons or government agencies in  
22        obtaining timely and efficient responses from state and federal agencies; to assist the  
23        applicants in consideration of program grant strategies; to assist state and federal  
24        agencies in cooperative approaches to address the needs of the applicants; and to  
25        provide technical assistance to government agencies in formulating and  
26        implementing broadband expansion and connectivity programs.

27               (8) To encourage the assistance of the private sector, including broadband  
28        service providers, to effectuate the deployment and access to broadband and other  
29        connectivity services to all residents of the state.

1           (9) To assist the governor and the legislature in the development and  
2           integration of a broadband deployment plan and long-range plans to more effectively  
3           and efficiently provide access to any new connectivity options.

4           (10) To analyze and make recommendations concerning proposed state  
5           legislation or programs that may affect the expansion of broadband and other  
6           connectivity services.

7           (11) To apply for, receive, and administer grants or financial assistance from  
8           persons or government agencies.

9           (12) To adopt and promulgate such rules and regulations, procedures,  
10          instructions, and forms as are deemed necessary to implement the functions, powers,  
11          and duties imposed upon the office by this Chapter in accordance with the provisions  
12          of the Administrative Procedure Act.

13          (13) To do all things necessary or convenient to carry out the functions,  
14          powers, and duties expressly set forth in this Chapter.

15          §1364. Contract authority

16          The office is hereby empowered to enter into any agreement or contract with  
17          any persons or government agencies necessary or convenient to carry out the  
18          provisions of this Chapter.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 74 Reengrossed

2020 Second Extraordinary Session

Deshotel

**Abstract:** Creates the office of broadband and connectivity.

Proposed law creates the office of broadband and connectivity (office), places it within the office of the governor, and requires the office to report to the governor and various committees.

Proposed law provides definitions.

Proposed law establishes appointment and termination procedures for the executive director, and allows the executive director to employ staff to carry out the duties of proposed law.

Proposed law requires the executive director to submit an annual report to the legislature which is to contain certain information regarding the activities of the office, data and

assessments relative to broadband and connectivity, a mapping initiative, information on available grants, recommendations for legislation, and needed resources to achieve the duties set out in proposed law.

Proposed law requires the governor to direct other state agencies to assist the office.

Proposed law provides for the functions, powers, and duties of the office which serve to advance the expansion and accessibility of broadband and other connectivity services in the state, and provides the office the authority to contract with persons and government agencies in order to carry out those duties.

(Adds R.S. 36:4(CC), R.S. 49:968(B)(21)(d), and R.S. 51:1361-1364)

#### Summary of Amendments Adopted by House

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

1. Make technical changes.

#### The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Require the governor to provide written notice of termination of the executive director to the nominating committee, instead of requiring the concurrence of the nominating committee.
3. Add additional duties to the office of broadband and connectivity.