

2020 Second Extraordinary Session

SENATE BILL NO. 61

BY SENATORS MIZELL, ABRAHAM, CARTER, CONNICK, FIELDS, JOHNS AND MORRIS

GOVERNMENT ORGANIZATION. Creates the office of broadband and connectivity. (gov sig) (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**

14 **powers, 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 (21) * * *

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

6 * * *

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

9 CHAPTER 12. THE OFFICE OF BROADBAND AND CONNECTIVITY

10 §1361. Definitions

11 When used in this Chapter:

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

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

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

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

22 §1362. Office of broadband and connectivity; creation

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
25 director of broadband and connectivity and shall be appointed by the governor
26 from a list of three candidates nominated by the Joint Legislative Committee on
27 Technology and Cybersecurity. Any vacancy occurring for this appointment
28 shall be filled in the same manner as the original appointment. The governor
29 may terminate the executive director and shall provide written notice of the

1 termination to the nominating committee. If the executive director is terminated
2 for gross negligence or willful misconduct, the governor shall not be required
3 to provide written notice of the termination to the nominating committee.

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

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

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

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

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

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

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

22 (6) Recommendations for legislative proposals.

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

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

29 §1363. Functions, powers, and duties

1 The office of broadband and connectivity, by and through the executive
2 director or his employees, shall have the following functions, powers, and
3 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
7 have not accessed services.

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

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

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

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

22 (7) To assist, upon request, a person or government agency that has
23 applied to a state or federal program in obtaining timely and efficient responses
24 from state and federal agencies; to assist an applicant considering program
25 grant strategies; to assist any state and federal agency in cooperative
26 approaches to address the needs of the applicants; and to provide technical
27 assistance to a government agency in formulating and implementing broadband
28 expansion and connectivity programs.

29 (8) To encourage the assistance of the private sector, including

1 broadband service providers, to effectuate the deployment and access to
2 broadband and other connectivity services to all residents of the state.

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

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

9 (11) To apply for, receive, and administer grants or financial assistance
10 from any person or government agency.

11 (12) To adopt and promulgate rules and regulations, procedures,
12 instructions, and any forms considered necessary to implement the functions,
13 powers, and duties imposed upon the office by this Chapter in accordance with
14 the provisions of the Administrative Procedure Act.

15 (13) To do all things necessary or convenient to carry out the functions,
16 powers, and duties as provided in this Chapter.

17 §1364. Contract authority

18 The office may execute any agreement or contract with any person or
19 government agency necessary or convenient to carry out the provisions of this
20 Chapter.

21 Section 4. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 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 Michelle Ridge.

DIGEST

SB 61 Engrossed

2020 Second Extraordinary Session

Mizell

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

Proposed law provides for the governor's appointment of an executive director to head the office. The appointment shall be made from a list of three candidates nominated by the Joint Legislative Committee on Technology and Cybersecurity (joint committee).

Proposed law provides that any vacancy in the office shall be filled in the same manner as the original appointment.

Proposed law requires the governor to give written notice to the joint committee upon termination of the executive director. No written notice is required if the executive director is terminated for gross negligence or willful misconduct.

Proposed law requires the executive director to employ necessary staff to carry out the duties and functions of the office.

Proposed law requires the executive director to submit an annual report to the legislature containing, at a minimum, information relating to the activities of the office, data concerning broadband or other connectivity services in the state, current availability and accessibility of broadband and other connectivity services, a mapping initiative, availability of grants for the expansion of broadband and connectivity services, proposed legislation, and resources to assist the office.

Proposed law requires the governor to direct all state agencies to assist the office in advancing the purpose of the office and to assure that the activities of the office are fully coordinated with the activities of state agencies providing related services.

Proposed law provides for the powers, duties, and functions of the office and the ability of the office to enter into any contract to carry about the provisions of proposed law.

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

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

Summary of Amendments Adopted by Senate

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

1. Removes requirement of concurrence of the Joint Legislative Committee on Technology and Cybersecurity to terminate the executive director and instead requires the governor provide written notice of the termination to the joint committee under certain circumstances.
2. Adds additional duties to the office of broadband and connectivity.
3. Makes technical corrections.