
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Commerce to Original House Bill No. 648
by Representative Deshotel

1 AMENDMENT NO. 1

2 On page 1, line 3, change "51:2370.15" to "2370.18"

3 AMENDMENT NO. 24 On page 1, at the end of line 4, delete "to"5 AMENDMENT NO. 3

6 On page 1, at the beginning of line 5, delete "establish a fund for the program;"

7 AMENDMENT NO. 48 On page 1, line 7, after "protest;" and before "to" insert "to allow for judicial review of a
9 protest decision;"10 AMENDMENT NO. 5

11 On page 1, delete line 11 in its entirety and insert in lieu thereof the following:

12

13 "require the legislative auditor to review the program and make recommendations
14 to the office before implementation; to provide for reimbursement; to provide for
15 minority-owned businesses; to"16 AMENDMENT NO. 6

17 On page 1, line 15, change "51:2370.15" to "2370.18"

18 AMENDMENT NO. 7

19 On page 2, delete lines 17 and 18 in their entirety and insert in lieu thereof the following:

20 "(4) "Director" means the executive director of the office of broadband
21 development and connectivity within the division of administration."22 AMENDMENT NO. 8

23 On page 2, between lines 18 and 19, insert the following:

24 "(5) "Economically distressed parish" means an unserved area which is in need of
25 expansion of business and industry and the creation of jobs, giving consideration to
26 unemployment, per capita income, and the number of residents receiving public
27 assistance within that unserved area."28 AMENDMENT NO. 929 On page 2, at the beginning of line 19, change "(5)" to "(6)"30 AMENDMENT NO. 1031 On page 2, at the beginning of line 22, change "(6)" to "(7)"

1 AMENDMENT NO. 112 On page 2, at the beginning of line 23, change "(7)" to "(8)"3 AMENDMENT NO. 12

4 On page 3, delete lines 3 through 6 in their entirety and insert in lieu thereof the following:

5 "(9) "Household" means any individual or group of individuals who are
 6 living together at the same address as one economic unit. A household may include
 7 related and unrelated persons. An "economic unit" consists of all adult individuals
 8 contributing to and sharing in the income and expenses of a household. An adult is
 9 any person eighteen years or older. If an adult has no or minimal income, and lives
 10 with someone who provides financial support to him, both people shall be considered
 11 part of the same household. Children under the age of eighteen living with their
 12 parents or guardians are considered to be part of the same household as their parents
 13 or guardians."

14 AMENDMENT NO. 1315 On page 3, at the beginning of line 7, change "(9)" to "(10)"16 AMENDMENT NO. 1417 On page 3, line 8, change "entity" to "internet service provider"18 AMENDMENT NO. 1519 On page 3, at the beginning of line 15, change "(10)" to "(11)"20 AMENDMENT NO. 16

21 On page 3, delete lines 20 and 21 in their entirety and insert in lieu thereof the following:

22 "(12) "Office" means the office of broadband development and connectivity
 23 within the division of administration."

24 AMENDMENT NO. 17

25 On page 3, delete lines 22 through 29 in their entirety

26 AMENDMENT NO. 18

27 On page 4, delete lines 1 through 4 in their entirety

28 AMENDMENT NO. 19

29 On page 4, between lines 8 and 9, insert the following:

30 "(14) "Shapefile" means a file format for storing, depicting, and analyzing
 31 geospatial data depicting broadband coverage, comprised of several component files,
 32 such as a Main file (.shp), an Index file, (.sbx) and a dBASE table (.dbf).

33 (15) "Unserved" means, notwithstanding any other provision of law, any
 34 federal funding awarded to or allocated by the state for broadband deployment shall
 35 not be used, directly or indirectly, to deploy broadband infrastructure to provide
 36 broadband internet service in any area of the state where broadband internet service
 37 of at least twenty-five Mbps unload and three Mbps download is available from at
 38 least one Internet service provider."

39 AMENDMENT NO. 2040 On page 4, at the beginning of line 9, change "(14)" to "(16)"

1 AMENDMENT NO. 212 On page 4, line 11, after "Areas" insert "included in an application"3 AMENDMENT NO. 22

4 On page 4, delete line 14 in its entirety and insert in lieu thereof the following:

5 "result in the initiation of activity related to construction of broadband
6 infrastructure in such area within twenty-four months of the expiration of the
7 thirty-day period related to such application established pursuant to R.S.
8 57:2370.5(C)."9 AMENDMENT NO. 23

10 On page 4, delete lines 15 through 29 in their entirety

11 AMENDMENT NO. 2412 On page 5, at the beginning of line 1, change "§2370.4" to "§2370.3." and after "block" and
13 before "and" insert a comma ", " and "shapefile area,"14 AMENDMENT NO. 25

15 On page 5, delete lines 3 through 29 in their entirety and insert in lieu thereof the following:

16 "A. A private provider receiving Universal Service, Connect America Phase
17 II, Rural Digital Opportunity Fund, or non-federal funds to deploy broadband service
18 may qualify the area for protection by submitting, within sixty days of the close of
19 the application period, a listing of the census blocks, shapefile areas, individual
20 addresses, or portions thereof, comprising the federally-funded project areas meeting
21 this requirement and nothing more to the office.22 B. In future program years, the deadline for submitting the census blocks,
23 shapefile areas, individual addresses, or portions thereof shall be established by the
24 office, but shall not be less than sixty days prior to the beginning date of the
25 application period. This will enable the office to update maps and advise applicants
26 as to the unserved areas of the state that are eligible for consideration in that program
27 year.28 C. The office shall only utilize the data to update maps of census blocks,
29 shapefile areas, individual addresses, or portions thereof and to reflect the census
30 blocks, shapefile areas, individual addresses, or portions thereof as being served.31 D. In no instance shall an applicant be required to provide any data beyond
32 that which it is required to provide to the Federal Communications Commission
33 pursuant to The Broadband Deployment Accuracy and Technological Availability
34 Act pursuant to 47 U.S.C. § 641 et seq.35 E. Failure on the part of a provider to submit the listing of census blocks,
36 shapefile areas, individual addresses, or portions thereof by the deadline shall result
37 in those areas being ineligible for inclusion under the GUMBO program during the
38 upcoming program year. A private provider that has facilities in the area or that
39 intends to deploy broadband service within twenty-four months shall be able to
40 challenge ineligibility.41 F. The office shall use the provided census blocks, shapefile areas, individual
42 addresses, or portions thereof only for mapping of unserved areas.43 G. Upon expiration of the twenty-four month reservation period described
44 in Subsection E of this Section, a private provider that has received a reservation of
45 census blocks, shapefile areas, individual addresses, or portions thereof shall submit
46 written documentation by April thirtieth of the year following the program year that
47 the initiation of activity related to broadband infrastructure will or has begun in the
48 census blocks, shapefile areas, individual addresses, or portions thereof, that have

1 been deemed ineligible by the office due to the existence of a federally-funded
2 project area.

3 H. Information provided to the office pursuant to this Section is not a public
4 record, as that term is provided for in R.S. 44:1."

5 AMENDMENT NO. 26

6 On page 6, delete lines 1 and 2 in their entirety

7 AMENDMENT NO. 27

8 On page 6, at the beginning of line 3, change "§2370.5" to "§2370.4."

9 AMENDMENT NO. 28

10 On page 6, line 9, after "The" and before "total" insert "estimated"

11 AMENDMENT NO. 29

12 On page 6, line 23, after "proposed" and before "construction" insert "estimated"

13 AMENDMENT NO. 30

14 On page 6, delete lines 26 and 27 in their entirety and insert in lieu thereof a period "._"

15 AMENDMENT NO. 31

16 On page 7, at the beginning of line 2, delete "community education forums," and after
17 "advertising" and before "and" delete the comma "._"

18 AMENDMENT NO. 32

19 On page 7, line 11, change "B." to "B.(1)"

20 AMENDMENT NO. 33

21 On page 7, line 14, after "information" delete "satisfactory"

22 AMENDMENT NO. 34

23 On page 7, between lines 16 and 17, insert the following:

24 "(2) The office shall treat any information that is not publicly available, as
25 confidential and subject to trade secrets protections of state law upon an applicant's
26 request for confidential treatment, except that the proposed project area shall be
27 publicly disclosed in sufficient detail to enable a challenging provider to identify the
28 area covered by the application."

29 AMENDMENT NO. 35

30 On page 7, line 17, after "available" insert a comma "._" and "subject to the confidentiality
31 protections in Paragraph (2) of Subsection B of this Section,"

32 AMENDMENT NO. 36

33 On page 7, line 19, after "least" and before "days" change "thirty" to "sixty" and after
34 "During the" and before "day" change "thirty" to "sixty-"

35 AMENDMENT NO. 37

36 On page 7, line 25, after "evidence" delete "satisfactory"

37 AMENDMENT NO. 38

38 On page 7, at the end of line 26, delete "as"

39 AMENDMENT NO. 39

40 On page 7, at the beginning of line 27, delete "measured by a methodology satisfactory to
41 the office,"

1 AMENDMENT NO. 40

2 On page 8, line 11, after "tests" and before "to" insert "that conform to the methodology
 3 employed in the Federal Communications Commission's "Measuring Broadband America"
 4 report"

5 AMENDMENT NO. 41

6 On page 8, between lines 16 and 17, insert the following:

7 "(3) The office shall treat any information submitted with a protest that is not
 8 publicly available as confidential and subject to the trade secrets protections of state
 9 law upon a challenging provider's request for confidential treatment.

10 §2370.5. Judicial review

11 A. The director or his designee shall have authority, prior to the
 12 commencement of an action in court concerning a protest arising under this Part, to
 13 settle and resolve the protest of an aggrieved person concerning a grant application.
 14 This authority shall be exercised in accordance with regulations.

15 B. If the protest is not resolved by mutual agreement, the director or his
 16 designee shall, within fourteen days, issue a decision in writing. The decision shall:

17 (1) State the reasons for the action taken.

18 (2) Inform the protestant of its right to administrative and judicial review as
 19 provided in this Part.

20 C. A copy of the decision required by Subsection B of this Section shall be
 21 mailed or otherwise furnished immediately to the protestant and any other party
 22 intervening.

23 D. A decision required by Subsection B of this Section shall be final and
 24 conclusive unless one of the following applies:

25 (1) The decision is fraudulent.

26 (2) The person adversely affected by the decision has timely appealed to the
 27 commissioner of administration in accordance with Subsection E of this Section.

28 E. The aggrieved person shall file an appeal with the commissioner of
 29 administration within seven days of receipt of a decision issued pursuant to
 30 Subsection B of this Section. The commissioner of administration shall have the
 31 authority to review and determine any appeal by an aggrieved person from a
 32 determination by the director or his designee.

33 F. On any appeal filed pursuant to Subsection E of this Section, the
 34 commissioner shall decide within fourteen days whether the decision concerning a
 35 grant application was in accordance with this state's constitution, statutes, and
 36 regulations, and the terms and conditions of the application. Any prior
 37 determinations by the director or his designee shall not be final or conclusive.

38 G. A copy of the decision issued pursuant to Subsection F of this Section
 39 shall be mailed or otherwise furnished immediately to the protestant and any other
 40 party intervening.

41 H. A decision issued pursuant to Subsection F of this Section shall be final
 42 and conclusive unless one of the following applies:

43 (1) The decision is fraudulent.

44 (2) The person adversely affected by the decision has appealed to the court
 45 as provided for in Subsection E of this Section.

46 I. The aggrieved person shall file an appeal in the Nineteenth Judicial
 47 District Court within seven days of receipt of a decision issued pursuant to
 48 Subsection C of this Section. The Nineteenth Judicial District Court shall have

1 exclusive venue over an action between the state and an applicant, prospective or
 2 actual, to determine whether an award of a grant is in accordance with this state's
 3 constitution, statutes, and regulations. Such actions shall extend to all kinds of
 4 actions, whether for monetary damages or for declaratory, injunctive, or other
 5 equitable relief.

6 J. Any party aggrieved by a final judgment or interlocutory order or ruling
 7 of the Nineteenth Judicial District Court may appeal or seek review thereof, as the
 8 case may be, to the Louisiana Court of Appeal, First Circuit or the Supreme Court
 9 of Louisiana, as otherwise permitted in civil cases by law and the constitution of this
 10 state."

11 AMENDMENT NO. 42

12 On page 9, delete line 1 in its entirety and insert in lieu thereof the following:

13 "(1) The office shall give additional points based upon the experience,
 14 technical ability, and financial wherewithal of the applicant in successfully deploying
 15 and providing broadband service, as well as the proposed amount of matching funds
 16 committed by the applicant relative to the minimum required amount of twenty
 17 percent."

18 AMENDMENT NO. 43

19 On page 9, at the beginning of line 2, delete "score."

20 AMENDMENT NO. 44

21 On page 9, delete lines 24 and 25 in their entirety and insert in lieu thereof the following:

22 "(5) The office shall award additional points based upon the applicant's
 23 ability to leverage its own or nearby or adjacent broadband service infrastructure in
 24 the proposed project area, and shall consider the ultimate price to the consumer in
 25 awarding points.

26 (6) The office shall not consider the format of mapping data provided by a
 27 broadband provider evaluating a grant proposal."

28 AMENDMENT NO. 45

29 On page 9, at the end of line 28, insert "A grant recipient shall contribute from its own funds
 30 a minimum of twenty percent of the total estimated cost of the project."

31 AMENDMENT NO. 46

32 On page 10, delete lines 1 through 6 in their entirety and insert in lieu thereof the following:

33 "B. A municipality shall contribute from its own funds a minimum of ten
 34 percent of the total estimated cost of the project in cash or in kind."

35 AMENDMENT NO. 47

36 On page 10, line 9, after "speeds" and before "and" insert "of twenty-five Mbit/s downstream
 37 and three Mbit/s upstream" and after "projected" and before "cost" insert "connection speed
 38 and"

39 AMENDMENT NO. 48

40 On page 10, line 17, after "caps" delete the remainder of the line and insert in lieu thereof a
 41 period " ."

42 AMENDMENT NO. 49

43 On page 10, delete line 18 in its entirety

44 AMENDMENT NO. 50

45 On page 10, at the beginning of line 20, insert "A."

1 AMENDMENT NO. 512 On page 10, line 22, after "speed" and before "at" insert "and cost"3 AMENDMENT NO. 524 On page 10, line 25, after "for" and before "the" insert "up to" and after "interest" delete the
5 comma "," and "at a rate established by the office"6 AMENDMENT NO. 537 On page 10, line 28, change "subsection" to "Subsection"8 AMENDMENT NO. 54

9 On page 10, between lines 28 and 29, insert the following:

10 "B. A grant recipient shall not be required to forfeit the amount of the grant
11 received if it fails to perform due to a natural disaster, an act of God, force majeure,
12 a catastrophe, pandemic, or such other occurrence over which the grant recipient has
13 no control."14 AMENDMENT NO. 5515 On page 11, at the end of line 1, insert "state and"16 AMENDMENT NO. 56

17 On page 11, delete lines 2 through 4 in their entirety and insert in lieu thereof the following:

18 "federal funds intended for the state for broadband expansion or allocated
19 by the state for broadband expansion and shall seek available federal grant funds for
20 that purpose. All federal grant funds received for the purpose of broadband
21 expansion shall be disbursed in accordance with this Part."22 AMENDMENT NO. 5723 On page 11, line 7, delete "agreement" and insert in lieu thereof "five-year period"24 AMENDMENT NO. 5825 On page 11, line 8, after "agreement" delete "and level of attainment for each"26 AMENDMENT NO. 59

27 On page 11, delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

28 "(1) The number of residential and commercial locations that have
29 broadband access as a result of the project."30 AMENDMENT NO. 6031 On page 11, line 13, after "service and" and before "actually" insert "the percentage of those
32 with access who"33 AMENDMENT NO. 6134 On page 11, delete lines 14 through 19 in their entirety and insert in lieu thereof the
35 following:36 "(3) The average monthly subscription rate for residential and commercial
37 broadband service in the project area.38 B. The office shall submit an annual report to the House Committee on
39 Commerce, Senate Committee on Commerce, Consumer Protection, and
40 International Affairs, and the Joint Legislative Committee on Technology and
41 Cybersecurity on or before September thirtieth. The report shall contain all of the
42 following:"

1 AMENDMENT NO. 62

2 On page 12, at the beginning of line 10, change "submit to" to "consult with" and after
3 "auditor" and before "a detailed" delete the comma ",," and insert in lieu thereof "to develop"

4 AMENDMENT NO. 63

5 On page 12, line 21, after "has" change "approved" to "reviewed" and change "reported" to
6 "developed"

7 AMENDMENT NO. 64

8 On page 12, line 22, after "Section" and before the comma "," insert "and made
9 recommendations" and after "office" and before "initiate" insert "determine the plan that
10 shall be used and"

11 AMENDMENT NO. 65

12 On page 12, delete lines 25 and 26 in their entirety and insert in lieu thereof the following:

13 "A. The office shall promulgate rules necessary to carry out the provisions
14 of this Part in accordance with the provisions of the Administrative Procedure Act.

15 B. In awarding grants or administering the program, the office shall not
16 include consideration of any new or additional regulatory obligations beyond those
17 required under applicable law, including but not limited to open access network
18 requirements or any rate, service, or other obligations beyond the speed requirements
19 set forth in R.S. 51:2370.2(2). The award of grants or the administration of the
20 program shall not impose requirements or consider factors that would constrain an
21 awardee from offering or providing broadband service in the same manner as such
22 service is offered without funding support by the provider in other areas of the state.

23 §2370.16. Prohibitions on municipalities

24 No municipality shall operate as an internet service provider or participate
25 in any revenue sharing under the provisions of this Part.

26 §2370.17. Reimbursement for grantees

27 Initial funding of ten percent shall be distributed to a grantee once the grantee
28 has demonstrated that ten percent of the project has been completed. Thereafter,
29 payments shall be distributed as follows: thirty-five percent completion, sixty percent
30 completion, eighty-five percent completion, and the final fifteen percent payment
31 will not be paid without an approved completion report. Invoice for final payment
32 shall be submitted within ninety days of completion date. All invoices are subject
33 to audit for three years from the completion date.

34 §2370.18. Minority-owned business

35 A. There shall be a set aside of the funds under this Part for awarding to
36 minority-owned eligible grant recipient businesses an amount not less than twenty-
37 five percent of the value of the total fund.

38 B. The office shall give additional points to projects that engage in minority-
39 owned businesses for the procurement of goods and services including construction
40 for the project; if the minority-owned businesses are majority owned and operated
41 by Louisiana residents.

42 Section 2. This Act shall become effective upon signature by the governor or, if not
43 signed by the governor, upon expiration of the time for bills to become law without signature
44 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
45 vetoed by the governor and subsequently approved by the legislature, this Act shall become
46 effective on the day following such approval."