

ACT No. 237

2021 Regular Session

HOUSE BILL NO. 465

BY REPRESENTATIVES MIKE JOHNSON AND THOMPSON

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AN ACT

To amend and reenact R.S. 29:725.4 and to enact Chapter 12-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1371 through 1376, relative to the 4.9 GHz band; to provide for authority; to provide definitions; to provide a policy for leasing; to provide parameters on auctioning; to exempt certain parishes; to require reporting; to create task forces; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:725.4 is hereby amended and reenacted to read as follows:

§725.4. Office of interoperability; creation and authority

A. The office of interoperability is established within the Governor's Office of Homeland Security and Emergency Preparedness. The office shall have the authority to oversee, direct, and manage interoperability programs and efforts identified in the statewide communications interoperability plan in coordination with local, state, and federal officials. The office shall address critical interoperability issues relating to public safety and emergency response, including communications, spectrum, networks, equipment, training, and other areas as needs are identified, except as provided for in Subsection B of this Section.

B. The office shall not have the authority to oversee, direct, or manage the fifty megahertz of spectrum in the 4940 to 4990 megahertz band, commonly referred to as the 4.9 GHz band.

1 (4)(a) Implements a tiered spectrum-sharing architecture, using an approved
 2 Spectrum Access System, that provides incumbent and license holder protection.

3 (b) The Spectrum Access System is required to monitor spectrum utilization,
 4 provide interference mitigation control, and provide a reporting mechanism.

5 (c) In addition to the requirements of Subparagraphs (a) and (b) of this
 6 Paragraph the Spectrum Access System is required to include all of the following
 7 capabilities:

8 (i) Radio registration transmission.

9 (ii) Interference analysis.

10 (iii) Incumbent protection.

11 (iv) License validation.

12 (v) Radio channel assignment.

13 (vi) Radio power limits control.

14 (vii) License protection.

15 (5) Implements a tiered spectrum-sharing licensing model, that provides a
 16 "use it or share it" licensing scheme to allow the general public and enterprise to
 17 have access to General Authorized Access licenses at no cost, when the Priority
 18 Access License holder is not using the spectrum in a defined area.

19 (6) In accordance with FCC-20-137, does not auction or lease any spectrum
 20 currently in use by any incumbent, but shall allow an incumbent to consolidate
 21 spectrum into one continuous band upon request.

22 (7) Limits the length of the auction for portions of the 4.9 GHz band to three
 23 years, and allows an auction winner who utilizes the band to apply for two additional
 24 years of usage of the portions won at auction.

25 (8) Requires an auction winner to utilize his portion of the 4.9 GHz band or
 26 submit to the office plans to utilize his portion of the band within three years from
 27 the date of possession. If an auction winner has not utilized his portion of the band
 28 or submitted plans for utilization, within the three-year period, the office shall regain
 29 possession of his portion of the band and shall auction the portion during the
 30 following calendar year.

1 (9) In the event that there are no winning bids for an auctioned portion of the
2 4.9 GHz band, requires the office to attempt to auction that portion again within one
3 calendar year.

4 (10) Requires the initial auction to take place on or before June 10, 2022.

5 (11) Allocates the proceeds from the auction as follows:

6 (a) Fifty percent to the office.

7 (b) Fifty percent to the parish from which the spectrum originated, to be used
8 for public safety equipment.

9 (12)(a) Prohibits the office from auctioning any portion of the 4.9 GHz band
10 in the following parishes to any natural or juridical person during the 2022 calendar
11 year:

12 (i) Ascension.

13 (ii) Bossier.

14 (iii) Caddo.

15 (iv) Calcasieu.

16 (v) DeSoto.

17 (vi) East Baton Rouge.

18 (vii) Iberia.

19 (viii) Jefferson.

20 (ix) Lafayette.

21 (x) Lafourche.

22 (xi) Lincoln.

23 (xii) Plaquemines.

24 (xiii) Rapides.

25 (xiv) St. Bernard.

26 (xv) St. Charles.

27 (xvi) St. James.

28 (xvii) St. John the Baptist.

29 (xviii) St. Tammany.

30 (xix) Terrebonne.

1 (xx) West Baton Rouge.

2 (b) Prohibits the office from auctioning any portion of the 4.9 GHz band in
3 Ouachita Parish to any natural or juridical person.

4 §1374. Reporting Requirements

5 A. The office shall require auction winners, incumbents, and entities using
6 the 4.9 GHz band for public safety to submit reports to the office on or before
7 January 1, 2023. The report shall include the following:

8 (1) The amount of the 4.9 GHz band being used by the reporting person.

9 (2) The specific bands of the 4.9 GHz band that are being used by the
10 reporting person.

11 (3) The purpose for which the reporting person is using the 4.9 GHz band.

12 (4) Any other information the office requires.

13 B. The office shall submit a report regarding the status of the 4.9 GHz band
14 to the House Committee on Commerce and the Senate Committee on Commerce,
15 Consumer Protection, and International Affairs prior to March 1, 2023. The report
16 shall include the following:

17 (1) All users of the 4.9 GHz band including auction winners, incumbents,
18 and entities using the band for public safety.

19 (2) The funds raised due to the auction of the 4.9 GHz band.

20 (3) Approximately how many people have been connected through use of the
21 4.9 GHz band.

22 §1375. Commercial use task force; establishment; chair; membership; consideration;
23 reporting requirement

24 A. Prior to January 1, 2023, the office shall establish, facilitate, and maintain
25 a task force to study the commercial effects of the 4.9 GHz band use in this state.
26 The executive director of broadband development and connectivity shall serve as
27 chair of the task force, and the remainder of the task force is to be composed of the
28 following members:

29 (1) The governor or his designee.

30 (2) The speaker of the House of Representatives or his designee.

1 (3) The president of the Senate or his designee.

2 (4) The chairman of the House Committee on Commerce or his designee.

3 (5) The chairman of the Senate Committee on Commerce, Consumer
 4 Protection, and International Affairs or his designee.

5 B. The task force shall hold the first meeting no later than January 31, 2022,
 6 and shall continue to meet, as often as necessary, until January 1, 2025. The task
 7 force shall meet at least twice per calendar year.

8 C. The task force shall examine how the 4.9 GHz band is being utilized
 9 commercially and consider other potential uses for the band.

10 D. The task force shall submit a report making recommendations as to how
 11 to utilize the 4.9 GHz band to the legislature no later than six months before the
 12 convening of the 2024 Regular Session.

13 E. The Division of Administration shall provide staff support as necessary
 14 to carry out the provisions of this Section.

15 §1376. Public use task force; establishment; chair; membership; consideration;
 16 reporting requirements.

17 A. Prior to January 1, 2022, the office shall establish, facilitate, and maintain
 18 a task force to study the public use of the 4.9 GHz band use in this state. The
 19 executive director of broadband development and connectivity shall serve as chair
 20 of the task force, and the remainder of the task force is to be composed of the
 21 following members:

22 (1) A representative of the Louisiana State Firemen's Association.

23 (2) A representative of the Louisiana Sheriffs' Association.

24 (3) A representative of the Louisiana State Police.

25 (4) A representative of the Louisiana Ambulance Alliance.

26 (5) A representative of the Louisiana Chapter of the Association of
 27 Public-Safety Communications Officials.

28 (6) An appointee of the chair of the House Committee on Commerce.

29 (7) An appointee of the chair of the Senate Committee on Commerce,
 30 Consumer Protection, and International Affairs.

1 B. The task force shall hold the first meeting no later than January 31, 2022,
2 and shall continue to meet as often as necessary until January 1, 2025. The task
3 force shall meet at least twice per calendar year.

4 C. The task force shall consider how to ensure that the commercial
5 utilization of the 4.9 GHz band does not interfere with public safety.

6 D. Beginning in January of 2023, the task force shall submit an annual report
7 to the legislature, with the final report being submitted in January of 2025. The
8 report shall contain the findings of the task force and may contain recommendations
9 from the task force.

10 E. The Division of Administration shall provide staff support as necessary
11 to carry out the provisions of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____