

## RÉSUMÉ DIGEST

**ACT 237 (HB 465)**

**2021 Regular Session**

**Mike Johnson**

Existing law grants authority to the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to address issues relating to public safety and emergency response.

New law creates an exception to the general authority granted to GOHSEP in existing law by removing the authority to oversee, direct, or manage the 4.9 GHz band.

New law defines "4.9 GHz band" and "office".

New law designates the office under the control of the executive director of broadband development and connectivity (office) as the lessor of the 4.9 GHz band (band).

New law requires the office to develop a policy for leasing the band and to ensure that the policy complies with existing law.

New law requires the band be leased using a blind auction method and provides a procedure for the blind auction.

New law provides that the band be auctioned in accordance with the following:

- (1) Three portions of the band, each consisting of 10 megahertz of the band for Priority Access License.
- (2) Ten megahertz of the band for General Authorized Access.

New law requires that 10 megahertz of the band be reserved for public safety usage.

New law requires the office to implement a tiered spectrum-sharing architecture, using an approved Spectrum Access System, that provides incumbent and license holder protection and provides the requisite functions and capabilities of the system.

New law requires the office to implement a tiered spectrum-sharing licensing model that provides a "use it or share it" licensing scheme to allow the general public and enterprise to have access to the General Authorized Access license at no cost when the Priority Access License holder is not using the spectrum.

New law prohibits the office from auctioning or leasing any spectrum currently in use by an incumbent.

New law allows an incumbent to consolidate spectrum into one continuous band.

New law limits the length of the auction to three years and allows a winning bidder to apply for an additional two years of usage.

New law requires a winning bidder to utilize the awarded portion of the band or submit plans to utilize portions of the band within three years from the date of possession. If the winning bidder fails to utilize or submit plans within three years, the office regains possession of the awarded portion of the band.

If there are no winning bids, new law requires the office to attempt to auction that portion again within one year.

New law requires the initial auction to take place on or before June 10, 2022.

New law provides that the 50% of the proceeds from the auction shall go to the office and the other 50% shall go to the parish from which the spectrum originated for public safety equipment.

New law prohibits the office from auctioning off a portion of the band located in the following parishes within the 2022 calendar year:

- (1) Ascension
- (2) Bossier
- (3) Caddo
- (4) Calcasieu
- (5) DeSoto
- (6) East Baton Rouge
- (7) Iberia
- (8) Jefferson
- (9) Lafayette
- (10) Lafourche
- (11) Lincoln
- (12) Plaquemines
- (13) Rapides
- (14) St. Bernard
- (15) St. Charles
- (16) St. James
- (17) St. John the Baptist
- (18) St. Tammany
- (19) Terrebonne
- (20) West Baton Rouge

New law prohibits the office from auctioning any portion of the band located in Ouachita Parish to any natural or juridical person.

New law requires auction winners, incumbents, and entities using the band for public safety use to submit reports to the office before Jan. 1, 2023, and provides the information to be contained in the report.

New law requires the office to submit a report to the House and Senate commerce committees prior to March 1, 2023, and provides the information to be contained in the report.

New law requires the office, with the assistance of the Division of Administration, to establish, facilitate, and maintain two separate task forces. One task force shall consider the commercial use of the band and one task force shall consider the public safety use.

New law provides the membership, meeting requirements, considerations, and reporting requirements each task force is required to comply with.

New law requires the executive director of broadband development and connectivity to serve as chair of both task forces.

New law requires both task forces to submit reports to the legislature.

Effective August 1, 2021.

(Amends R.S. 29:725.4; Adds R.S. 51:1371-1376)