

RÉSUMÉ DIGEST

ACT 760 (SB 455)

2022 Regular Session

Boudreaux

Prior law provided for the office of broadband and connectivity (office) within the office of the governor.

New law moves the office from the office of the governor to the division of administration and changes the name of the office to the office of broadband development and connectivity.

Prior law required the head of the office to be appointed by the governor and subject to Senate confirmation.

New law removes the requirement that the executive director be appointed by the governor and confirmed by the Senate.

New law requires the office to secure certain information from any entity providing internet service to at least one location in the state to compile a statewide broadband map. Limits the office to hiring not more than one additional full-time employee to compile a statewide parish-by-parish broadband map identifying the locations and capability of broadband service in the state.

At the request of the office, new law requires any such entity to submit broadband deployment information containing the same information submitted to the Federal Communications Commission (FCC). Further provides that the entity is not required to provide any data beyond that which is required for submission to the FCC.

New law provides that any such entity not in compliance with new law may be ineligible to participate in, or receive funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of noncompliance and the following calendar year. Further provides that any location in the state purportedly served by the entity not in compliance with new law may be considered to have internet access service of less than 25 megabits per second for download and three megabits per second for upload.

New law requires an entity's broadband availability data to be used strictly for the purpose of identifying served, underserved, and unserved areas to aid in administration of the "Granting Unserved Municipalities Broadband Opportunities" program.

New law authorizes the entity submitting broadband data to review a draft of the proposed state broadband map and submit any necessary corrective data to the office prior to the publication or utilization of the state broadband map for any state-administered grant program designated for broadband infrastructure deployment in the state.

New law authorizes the entity submitting broadband data to challenge any area ultimately deemed eligible for any state-administered grant program designated for broadband infrastructure deployment in the state that overlaps with an entity's verified service territory.

New law authorizes the office to contract with a private entity or third-party consultant to develop and maintain the state broadband map. Further requires any such contract entered into by the office and a private entity or third-party consultant to include a confidentiality agreement prohibiting the disclosure of any broadband data provided under new law.

New law provides that information compiled under new law is exempt from the Public Records Law (R.S. 44:1.1 et seq.) and is considered confidential, proprietary, and a trade secret of the entity providing the information. Requires that the office, including any private entity or third-party consultant retained or employed under new law, to keep strictly confidential and not disclose, or cause or permit to be disclosed, to any third person, private entity, or public body, any broadband availability data provided under new law. Further requires that all actions be taken as are reasonably necessary to ensure that the broadband availability data remains strictly confidential and is not disclosed to or seen, used, or obtained by any third person, private entity, or public body.

New law provides that provisions regarding mapping areas terminate under any one of the following conditions, whichever occurs first:

- (1) Upon a determination by the office that it is no longer necessary to compile a statewide parish-by-parish broadband map identifying the locations and capability of broadband service in the state.
- (2) At midnight on December 31, 2026.

New law authorizes the office to promulgate necessary rules in accordance with the provisions of the APA.

Prior law terminated the office at 12 o'clock midnight on June 30, 2023.

New law sunsets the office at 12 o'clock midnight on June 30, 2028.

Effective June 18, 2022.

(Amends R.S. 51:1361(3), 1362(A), 1363(intro para), 1365, and R.S. 44:4.1(B)(35); adds R.S. 51:1363.1)