

SENATE BILL NO. 455

BY SENATOR BOUDREAUX

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AN ACT

To amend and reenact R.S. 51:1361(3), 1362(A), the introductory paragraph of R.S. 51:1363, 1365, the title of Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950, and R.S. 44:4.1(B)(35) and to enact R.S. 51:1363.1, relative to internet; to provide for the office of broadband development and connectivity; to provide for development and implementation of a plan to provide access to broadband internet; to provide for the functions and responsibilities of the office of broadband development and connectivity; to provide for the termination date of the office; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1361(3), 1362(A), the introductory paragraph of R.S. 51:1363, 1365, and the title of Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted and R.S. 51:1363.1 is hereby enacted to read as follows:

CHAPTER 12. THE OFFICE OF BROADBAND **DEVELOPMENT**
AND CONNECTIVITY

§1361. Definitions

When used in this Chapter, **the following terms apply:**

* * *

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

* * *

§1362. The office of broadband **development** and connectivity

A. There is hereby created within the ~~office of the governor~~ **division of administration** the office of broadband **development** and connectivity. The head of the office shall be the executive director of broadband **development** and connectivity, ~~who shall be appointed by the governor to serve at his pleasure. The appointment shall be subject to Senate confirmation.~~

1 * * *

2 §1363. Functions, powers, and duties

3 The office of broadband **development** and connectivity, by and through the
4 executive director or his employees, shall have the following functions, powers, and
5 duties:

6 * * *

7 **§1363.1. Mapping areas for broadband service**

8 **A.(1) The office of broadband development and connectivity shall secure**
9 **information from any entity, public or private, providing internet service to at**
10 **least one location in the state to assist the office in compiling a statewide parish**
11 **by parish broadband map identifying the locations and capability of broadband**
12 **service in the state. At the request of the office, any such entity shall submit to**
13 **the office, on or before fifteen days following the expiration of the date required**
14 **for submission to the federal government, broadband deployment information**
15 **containing the same information and in the same format the information is**
16 **submitted to the Federal Communications Commission, in a manner specified**
17 **by the office. In no instance shall an entity be required to provide any data**
18 **beyond that which it is required to provide to the Federal Communications**
19 **Commission.**

20 **(2) Any entity, public or private, providing internet service to at least one**
21 **location in the state, that does not comply with the requirements of this Section**
22 **or submits inaccurate information, may be ineligible to participate in, or receive**
23 **any funding from, any state-administered grant program designated for**
24 **broadband infrastructure deployment in the state in the calendar year of**
25 **noncompliance and the following calendar year.**

26 **(3) Any location in the state purportedly served by any entity, public or**
27 **private, providing internet service to at least one location in the state, that does**
28 **not comply with the requirements of this Section may be considered to have**
29 **internet access service of less than twenty-five megabits per second for**
30 **download and three megabits per second for upload.**

1 (4) Any broadband availability data provided in accordance with this
2 Section shall strictly be used for the purpose of identifying served, underserved,
3 and unserved areas to aid in the administration of the "Granting Unserved
4 Municipalities Broadband Opportunities" program, and for no other purpose
5 whatsoever.

6 (5) Any entity submitting broadband data to the office of broadband
7 development and connectivity as required by this Section may review the
8 proposed draft of the state broadband map and submit any necessary corrective
9 data to the office prior to the publication or utilization of the state broadband
10 map for any state-administered grant program designated for broadband
11 infrastructure deployment in the state.

12 (6) Any entity submitting broadband data to the office of broadband
13 development and connectivity as required by this Section may challenge any
14 area ultimately deemed eligible for any state-administered grant program
15 designated for broadband infrastructure deployment in the state that overlaps
16 with an entity's verified service territory.

17 B.(1) The office may contract with a private entity or third-party
18 consultant to develop and maintain the state broadband map. Any contract
19 entered into by the office and a private entity or third-party consultant for the
20 purpose of developing and maintaining the state broadband map shall include
21 a confidentiality agreement prohibiting the disclosure of any broadband data
22 provided in accordance with this Section.

23 (2) Information compiled pursuant to the provisions of this Section is
24 exempt from the Public Records Law and is considered confidential,
25 proprietary, and a trade secret of the entity providing the information. The
26 office, including any private entity or third-party consultant retained or
27 employed pursuant to this Section, shall keep strictly confidential and shall not
28 disclose, or cause or permit to be disclosed, to any third person, private entity,
29 or public body as defined by R.S. 44:1, any broadband availability data
30 provided in accordance with this Section. The office, including any private

1 entity or third-party consultant retained or employed pursuant to this Section,
2 shall take all actions reasonably necessary to ensure that the broadband
3 availability data remains strictly confidential and is not disclosed to or seen,
4 used, or obtained by any third person, private entity or public body as defined
5 by R.S. 44:1.

6 C. The requirements of this Section shall terminate under any one of the
7 following conditions, whichever occurs first:

8 (1) Upon a determination by the office of broadband development and
9 connectivity that it is no longer necessary to compile a statewide parish by
10 parish broadband map identifying the locations and capability of broadband
11 service in the state.

12 (2) At midnight on December 31, 2026.

13 D. The office may promulgate rules necessary to carry out the provisions
14 of this Section in accordance with the provisions of the Administrative
15 Procedure Act.

16 E. The office shall not hire more than one additional full-time employee
17 to carry out the provisions of the Section.

18 * * *

19 §1365. Termination

20 The provisions of this Chapter shall terminate at twelve o'clock midnight on
21 June 30, ~~2023~~ **2028**, and shall thereafter have no effect.

22 * * *

23 Section 2. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

24 §4.1. Exceptions

25 * * *

26 B. The legislature further recognizes that there exist exceptions, exemptions,
27 and limitations to the laws pertaining to public records throughout the revised
28 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
29 limitations are hereby continued in effect by incorporation into this Chapter by
30 citation:

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(35) R.S. 51:710.2(B), 705, 706, 936, **1363.1**, 1404, 1926, 1934, 2113, 2182,
2262, 2318, 2389

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____