AN ACT

To amend and reenact R.S. 51:2370.2(introductory paragraph) and (5), 2370.4(A)(8) and (C)(1), and 2370.13, relative to broadband; to provide for the GUMBO grant program; to provide for definitions; to provide for description of service; to provide for protest; to adjust the administrative fee; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2370.2(introductory paragraph) and (5), 2370.4(A)(8) and (C)(1), and 2370.13 are hereby amended and reenacted to read as follows:

§2370.2. Definitions

As used in this Part, the following terms have the meaning ascribed to them following meanings:

* * *

(5) "Economically-distressed parish" means an unserved area that is in need of expansion of business and industry and the creation of jobs, giving consideration to unemployment, per capita income, and the number of residents receiving public assistance within that unserved area.

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§2370.4. Applications; burden of proof; public comment; protest
A. Applications for grants shall be submitted at times designated by the
director and shall include, at a minimum, the following information:

* * *

(8) A description of the broadband service to be provided, including the
proposed upstream and downstream broadband speeds to be delivered, and any
applicable data caps, and any other information deemed necessary by the director.

* * *

C.(1) Applications shall be made publicly available, subject to the
confidentiality protections provided in this Part, by posting on the website of the
office or the website of the division of administration for a period of at least sixty
days prior to award. During the sixty-day period, any interested party may submit
comments to the director concerning any pending application. Any aggrieved person
may submit a protest of any application or award in accordance with R.S. 51:2370.5.
Protests shall be submitted in writing, accompanied by all relevant supporting
documentation, and shall be considered by the office in connection with the review
of the application. Upon submission of evidence to the office that the proposed
project area includes prospective broadband recipients that are served, the office may
work with an applicant to amend an application to reduce the number of unserved
prospective broadband recipients in the project area to reflect an accurate level of
current broadband service. The office may revise application scores in accordance
with amended applications. The office shall not grant funds to an applicant who
submits an application that does not comply with program requirements. For
applications with filed protests, the director shall issue a written decision to the
protesting party at least fifteen days prior to the approval of that application.
Following a protest that is granted for a portion of the application, the office shall
release to an applicant the locations or areas declared ineligible. Any provider
submitting a protest shall attest that the information in the protest is accurate to his
knowledge and that the protest is submitted in good faith. The office may deny any
protest or application that contains inaccurate information, even if the provider operated in good faith.

§2370.13. Administration fee

The office may use up to one three percent of the appropriated funds to administer the GUMBO program.

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Abstract: Makes changes to various aspects of the GUMBO grant program.

Present law requires an applicant to provide a description of the broadband service to be provided by including the proposed upstream and downstream speeds to be delivered.

Proposed law retains present law and expands required description to include anything deemed necessary by the director.

Present law provides a procedure for protest by the provider and requires the provider to attest that all information is correct. Proposed law retains present law and accounts for the actual knowledge of the provider bringing the protest.

Present law allows the office to use up to one percent of the appropriate funds to administer the program.

Proposed law raises the cap on the administrative fee from 1% to 3%.

(Amends R.S. 51:2370.2(intro. para) and (5), 2370.4(A)(8) and (C)(1), and 2370.13)