

## RÉSUMÉ DIGEST

**ACT 477 (HB 648)**

**2021 Regular Session**

**Deshotel**

New law establishes the "Granting Unserved Municipalities Broadband Opportunities" (GUMBO) program.

New law provides that the office of broadband development and connectivity within the division of administration (office) shall administer the GUMBO program.

New law defines "agriculture", "broadband service", "cooperative", "director", "economically distressed parish", "eligible parishes", "eligible project", "eligible grant recipient", "household", "infrastructure", "infrastructure costs", "local government", "office", "prospective broadband recipient", "shapefile", and "unserved".

New law allows a provider receiving certain types of funds to deploy broadband access to qualify the area for protection by submitting a report of census blocks, shapefile areas, addresses, and portions thereof comprising the funded area. The report is to be submitted within 60 days of the close of the application period.

New law allows the office to set a different deadline for submission of the report in future program years.

New law limits the office on how it uses the information submitted pursuant to new law and limits the information that the office can require an applicant to submit.

New law provides that a provider who fails to submit the report before the deadline shall be ineligible for exclusion in the GUMBO program, but allows for the provider to protest the ineligibility in certain situations.

New law provides a listing of 14 items, required to be addressed in the application, and delegates the office with the responsibility of creating the application.

New law provides that the burden of proof is on the provider.

New law requires the office to treat information submitted with a protest that is not publicly available as confidential and subject to trade secrets protections of state law if requested.

New law requires applications to be made public, and allows a 60-day period for interested parties to submit public comment and protest where applicable. New law provides the procedure to be followed in case of a protest, including the burden of proof and the evidentiary requirements.

New law allows for amendments to an application and provides a procedure for amending.

New law allows the office to deny an application or protest that contains inaccurate information.

New law prohibits the office from granting funds to an applicant that does not comply with program requirements.

New law allows the office to utilize speed tests to settle protests and provides the necessary requirements for implementation.

New law requires the office to treat any information submitted with a protest that is not publicly available as confidential and subject to trade secrets protections provided in existing law.

New law provides a procedure for administrative and judicial review including the steps necessary for a mutual agreement, a settlement by the director, a report from the director, an appeal with the commissioner of administration, an appeal to the 19th Judicial District Court, a review from the 1st Circuit Court of Appeal, and a review by the Louisiana Supreme Court, and civil proceedings.

New law allows the office to consult with the La. Dept. of Economic Development regarding the GUMBO program.

New law requires the office to create a procedure for point scoring of applications and determining which applicants receive grants, and additionally provides that the office shall award points based upon experience, technical ability, financial wherewithal, fund matching by the applicant, a letter of support from local government, access to infrastructure, the estimated number of unserved households that will be affected, the percentage of unserved homes in the parish to be served, the number of unserved businesses to be affected, projects receiving funding or in-kind contributions, recipients who are a small business entrepreneurship certified by the Hudson Initiative, and recipients who commit to contracting with a small business entrepreneurship certified by the Hudson Initiative or the Veteran Initiative.

New law prohibits the office from considering the format of mapping data in evaluating a grant proposal.

New law requires fund matching by grant recipients and provides details how the funds can be acquired and in what amount.

New law allows a local government to contribute funding or in-kind contributions for use on a project and states that the contribution is not to be considered a partnership.

New law prohibits a local government from making or granting any undue or unreasonable preference or advantage to itself or any provider of broadband service.

New law requires a local government to apply ordinances, rules, and policies without discrimination to itself and any provider.

New law requires an applicant to provide evidence of compliance annually.

New law requires an applicant to notify the office of any change in data caps.

New law requires grant recipients who have offered broadband service to at least one thousand consumers for a period of at least five consecutive years to offer broadband service at prices consistent with offers to consumers in other areas of the state, and requires all other providers to ensure that the service is priced at no more than the cost rate identified in the application.

New law requires a grant recipient to forfeit the amount of the grant received, if it fails to perform, in a material respect, the terms of the agreement.

New law provides that a grant recipient who fails to provide the minimum advertised connection speed and cost to consumers are required to forfeit any matching funds, up to the amount of the grant received. The office is required, under new law, to use its discretion to determine the amount forfeited, in these circumstances.

New law provides that a grant recipient who forfeits amounts disbursed under new law is liable for up to the amount disbursed plus interest.

New law provides that the number of subscribers is not to be considered in a determination of failure to perform.

New law makes an exception to the forfeiture requirement for certain occurrences.

New law provides that if the grant recipient fails to perform and fails to return the required funds, the ownership and use of the broadband infrastructure reverts to the division of administration.

New law designates the division of administration as the agency for receipt and distribution of state and federal grant funds.

New law requires grant recipients to provide an annual report to the office and provides the information to be included in the report.

New law requires the office to submit a report to various House and Senate committees and provides the information to be included in the report.

New law allows the office an administrative fee of 1% of the federal funds.

New law requires the office to promulgate rules to carry out new law.

New law prohibits the office from considering any new or additional regulations in awarding grants or administering the program.

New law provides for reimbursement for grantees.

New law is exempt from the provisions of the Louisiana Procurement Code and Public Bid Law. The office is responsible for implementing alternate methods for carrying out new law.

New law specifies that notwithstanding any provision of new law to the contrary, all records related to the GUMBO program shall be public records as provided by the Public Records Law, except (a) a provider's trade secret and proprietary information, including coverage data, maps, and shapefiles; (b) information regarding unserved coverage areas not yet awarded or announced; and (c) applications pending evaluation.

Effective July 1, 2021.

(Amends R.S. 44:4.1(B)(25); Adds R.S. 51:2370.1-2370.16)