

2022 Regular Session

HOUSE BILL NO. 1038

BY REPRESENTATIVE DESHOTEL

UTILITIES: Provides relative to broadband

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

10 §2370.2. Definitions

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

13 * * *

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

18 * * *

19 §2370.4. Applications; burden of proof; public comment; protest

1 A. Applications for grants shall be submitted at times designated by the
2 director and shall include, at a minimum, the following information:

3 * * *

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

7 * * *

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 protest or application that contains inaccurate information, even if the provider
2 operated in good faith.

3 * * *

4 §2370.13. Administration fee

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1038 Original

2022 Regular Session

Deshotel

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)