

2024 Regular Session

HOUSE BILL NO. 700

BY REPRESENTATIVES DESHOTEL, BRYANT, CARRIER, FISHER, HEBERT,
TRAVIS JOHNSON, KNOX, LACOMBE, LAFLEUR, LARVADAIN,
MARCELLE, OWEN, SELDERS, ST. BLANC, TAYLOR, AND THOMPSON

UTILITIES: Provides relative to broadband

1 AN ACT

2 To amend and reenact R.S. 51:2370.32 and to enact R.S. 51:1363.1(A)(7) and 2370.33(E),

3 Subpart C of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes

4 of 1950, to be comprised of R.S. 51:2370.41, and Subpart D of Part VI-C of Chapter

5 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

6 51:2370.51, relative to broadband; to provide for data from GUMBO winners to the

7 office of broadband and connectivity; to exempt certain broadband providers from

8 liability; to provide for an exception from Public Records Law; to provide for

9 reimbursement for grantees; to provide for failure to perform protocols; to provide

10 for the "Granting Unserved Municipalities Broadband Opportunities 3.0" program;

11 to provide for the "Granting Unserved Municipalities Broadband Opportunities 4.0"

12 program; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 51:2370.32 is hereby amended and reenacted and R.S.

15 51:1361.1(A)(7) and 2370.33(E), Subpart C of Part VI-C of Chapter 39 of Title 51 of the

16 Louisiana Revised Statutes of 1950, comprised of R.S. 51:2370.41, and Subpart D of Part

17 VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S.

18 51:2370.51, are hereby enacted to read as follows:

1 §1363.1. Mapping areas for broadband service

2 A.

3 * * *

4 (7)(a) To expedite the construction of broadband projects throughout this
5 state, the office has the authority to collect data from GUMBO 2.0, GUMBO 3.0, and
6 GUMBO 4.0 winners on the location of new broadband infrastructure deployed
7 through GUMBO funding and existing water, sewer, or gas infrastructure in the path
8 of excavation funded through GUMBO. Data shall be provided to the office in a
9 manner identified to all participants. A GUMBO winner may enter into a
10 cooperative endeavor agreement with a participating water, sewer, or gas system to
11 expedite the construction of broadband projects.

12 (b) A GUMBO winner who collects, provides, or facilitates the transfer of
13 data on the location of infrastructure over which it has no control pursuant to this
14 Paragraph shall not be liable for damages or required to pay any penalty to any
15 person or governmental entity for an act or omission of the GUMBO winner in the
16 collection, provision, or transfer of such data.

17 (c) Data collected or provided in accordance with this Paragraph on
18 infrastructure owned, operated, leased, or otherwise used by an internet service
19 provider or telecommunications provider, or its affiliates or subsidiaries, shall be
20 confidential and an exemption from Public Records Law, R.S. 44:4.1 et seq., and an
21 exception from disclosure under any other provision of law.

22 * * *

23 §2370.32. Reimbursement for grantees

24 ~~Reimbursements of eligible costs shall be made by percentage of total project~~
25 ~~costs expended: ten percent, thirty-five percent, sixty percent, eighty-five percent,~~
26 ~~and the final fifteen percent payment shall not be paid without an approved~~
27 ~~completion report. Invoice for final payment shall be submitted within ninety days~~
28 ~~of a completion date. All invoices are subject to audit for three years from the~~
29 ~~completion date. GUMBO 2.0 awards will be made on a fixed-award subgrant basis,~~

1 SUBPART C. GRANTING UNSERVED MUNICIPALITIES BROADBAND

2 OPPORTUNITIES 3.0

3 §2370.41. GUMBO 3.0

4 In the event there are remaining GUMBO 2.0 funds after the obligation of
5 infrastructure funds, the office shall run a grant program, nondeployment, that will
6 allow eligible parties that shall include but are not limited to state agencies,
7 nonprofits, for-profits, academic institutions, and planning commissions to utilize
8 these funds to help address challenges in economic development, workforce
9 development, healthcare, cybersecurity, agriculture, and other sectors and industries
10 of importance to the state of Louisiana, as determined by approval of Volume 2 of
11 Initial Proposal from the office and the Infrastructure and Jobs Act, or IJJA, the
12 Broadband Equity, Access, and Deployment, or BEAD, Program, and the Notice of
13 Funding Opportunity, or NOFO, with an obligation deadline of these funds to be
14 completed no later than December 12, 2024. This program will be designated as
15 "Granting Unserved Municipalities Broadband Opportunities 3.0" and the office
16 shall have the authority to create appropriate rules and scoring criteria.

17 SUBPART D. GRANTING UNSERVED MUNICIPALITIES BROADBAND

18 OPPORTUNITIES 4.0

19 §2370.51. GUMBO 4.0

20 The office shall have the authority to develop the rules, scoring criteria, and
21 eligibility in the execution of the State's First Digital Opportunity Plan, pending
22 approval from the National Telecommunications and Information Administration,
23 a Sub-Agency of the United States Department of Commerce. Eligible parties shall
24 include but not be limited to state agencies, nonprofits, for-profits, academic
25 institutions, and planning commissions. This program will be designated as
26 "Granting Unserved Municipalities Broadband Opportunities 4.0".

27 Section 2. The funds for GUMBO 2.0 outlined in Subsection E of R.S. 51:2370.33
28 as enacted by Section 1 of this Act are to be obligated by December 12, 2024 and spent by
29 December 31, 2028.

1 Section 3. The funds for GUMBO 3.0 outlined in R.S. 51:2370.41 as enacted by
 2 Section 1 of this Act are to be obligated by December 12, 2024 and to be spent by December
 3 31, 2028.

4 Section 4. The funds for GUMBO 4.0 outlined in R.S. 51:2370.51 as enacted by
 5 Section 1 of this Act are to be spent by March 1, 2029.

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 700 Reengrossed

2024 Regular Session

Deshotel

Abstract: Provides relative to broadband.

Present law provides for the mapping areas for broadband service.

Proposed law adds that to expedite the construction of broadband projects throughout this state, the office of broadband and connectivity (office) has the authority to collect data from GUMBO 2.0, GUMBO 3.0, and GUMBO 4.0 winners on the location of new broadband infrastructure deployed through GUMBO funding and existing water, sewer, or gas infrastructure in the path of excavation funded through GUMBO. Data shall be provided to the office in a manner identified to all participants, and may include but not be limited to water, sewer, gas, and voice and data services.

Proposed law states that a GUMBO winner may enter into a cooperative endeavor agreement with a participating water, sewer, or gas system to expedite the construction of broadband projects.

Proposed law exempts certain broadband providers from liability or penalty from collecting, providing, or facilitating the transfer of data outlined in proposed law.

Proposed law provides that certain data outlined in proposed law is confidential and an exception from present law, Public Records Law.

Present law provides that reimbursements of eligible costs shall be made by percentage of total project costs expended: 10%, 35%, 60%, 85%, and the final 15% payment shall not be paid without an approved completion report. Invoice for final payment shall be submitted within 90 days of a completion date. All invoices are subject to audit for three years from the completion date.

Proposed law deletes present law and adds that GUMBO 2.0 awards will be made on a fixed-award subgrant basis, following all requirements of NTIA's modifications to the Uniform Guidance as provided by final rule, with an initial 10% disbursement made upon final grant issuance. The next 10% of the subgrant award shall be provided based on provider certification and the office's verification that ten percent of the eligible locations have been reached. The remaining disbursements shall be given at the thresholds of completion of 35%, 60%, 85%, and the final 100% provided only after verification of 100% deployment to eligible locations, all within the mandatory 48 months maximum deployment timeline or another shorter timeline certified by the applicant.

Proposed law provides that the office will disburse funds only for completed deployments that comply with the terms included in the successful application and will withhold funds for failure to do so.

Present law provides for if a grant recipient fails to perform.

Proposed law adds that any GUMBO 2.0 subgrantee also subject to deployment obligations elsewhere in this state, including from programs such as the Rural Digital Opportunity Fund, the Enhanced Alternative Connect America Model, the Rural Development Broadband ReConnect Program, or any other similar program included in the BEAD deduplication process, must make an enforceable commitment as part of its GUMBO 2.0 subgrant agreement not to default or otherwise fail to fulfill any such deployment obligation in this state.

Proposed law provides that the penalty for breach of this commitment shall be, as reimbursement for funding that could have been awarded but for other federal program funding, payment to the state in the amount equal to the total investment cost of all defaulted locations, as measured by the Eligible Entity tool provided to the state by NTIA.

Proposed law provides that in the event there are remaining GUMBO 2.0 funds after the obligation of infrastructure funds, the office shall run a grant program, non-deployment, that will allow eligible parties that include but are not limited to state agencies, non-profits, for-profits, academic institutions, and planning commissions to utilize these funds to help address challenges in economic development, workforce development, healthcare, cybersecurity, agriculture, and other sectors and industries of importance to the state of Louisiana, as determined by approval of Volume 2 of Initial Proposal from the office and the IJA, the BEAD Program, and the NOFO, with an obligation deadline of these funds to be completed no later than Dec. 12, 2024. This program will be designated as "Granting Unserved Municipalities Broadband Opportunities 3.0" and the office will receive the authority to create appropriate rules and scoring criteria.

Proposed law provides that the office shall have the authority to develop the rules, scoring criteria, and eligibility in the execution of the State's First Digital Opportunity Plan, pending approval from the National Telecommunications and Information Administration, a Sub-Agency of the U.S. Dept. of Commerce. Eligible parties shall include but not be limited to state agencies, nonprofits, for-profits, academic institutions, and planning commissions. This program will be designated as "Granting Unserved Municipalities Broadband Opportunities 4.0".

The funds for GUMBO 2.0 outlined in proposed law are to be obligated by Dec. 12, 2024 and spent by Dec. 31, 2028.

The funds for GUMBO 3.0 outlined in proposed law are to be obligated by Dec. 12, 2024 and to be spent by Dec. 31, 2028.

The funds for GUMBO 4.0 outlined in proposed law are to be spent by March 1, 2029.

(Amends R.S. 51:2370.32; Adds R.S. 51:1363.1(A)(7), 2370.33(E), 2370.41, and 2370.51)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.

2. Add that the office of broadband and connectivity has the authority to collect data from GUMBO 2.0, GUMBO 3.0, and GUMBO 4.0 winners on the location of new broadband and existing utility infrastructure.
3. Add that eligible parties for GUMBO 4.0 shall include but not be limited to state agencies, nonprofits, for-profits, academic institutions, and planning commissions.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Clarify that the office of broadband and connectivity has the authority to collect data from winners on the location of new broadband infrastructure deployed through GUMBO funding and existing water, sewer, or gas infrastructure in the path of excavation funded through GUMBO.
3. Add that a GUMBO winner may enter into a cooperative endeavor agreement with a participating water, sewer, or gas system to expedite the construction of broadband projects.
4. Exempt certain broadband providers from liability or penalty from collecting, providing, or facilitating the transfer of data outlined in proposed law.
5. Provide for certain data outlined in proposed law to be confidential and an exception from present law, Public Records Law.