

ACT No. 167

Regular Session, 2004

HOUSE BILL NO. 1265

BY REPRESENTATIVES THOMPSON, PINAC, BRUCE, DOERGE, FRITH, MARCHAND, RITCHIE, SCALISE, SHEPHERD, GARY SMITH, TRAHAN, WADDELL, WALSWORTH, AND WHITE AND SENATORS ELLINGTON AND SMITH

1 AN ACT

2 To amend and reenact R.S. 36:4(L) and to enact Part IV of Chapter 3 of Title 51 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:955.1 through 955.4,
4 relative to economic development; to create the Louisiana Broadband Advisory
5 Council; to provide that such council shall be in the Governor’s Office of Rural
6 Development; to provide for definitions; to provide for the membership, terms, and
7 vacancies of the council; to provide for the duties of the council; to provide for
8 assistance from other entities; to provide for staff, consultants, and the utilization of
9 monies; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part IV of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 51:955.1 through 955.4, is hereby enacted to read as follows:

13 PART IV. LOUISIANA BROADBAND ADVISORY COUNCIL

14 §955.1 Legislative findings

15 The legislature finds the following:

16 (1) Computers and internet access, along with the ability to effectively use
17 these technologies, are becoming increasingly important for full participation in
18 America's economic, political, and social life.

19 (2) High-speed internet access is a key competitive factor for economic
20 development and quality of life in the new global marketplace.

21 (3) Universal connectivity, particularly in rural areas, is needed for attracting
22 new and expanding business and to facilitate education and training, health care,
23 government services, and the democratic process.

1 (4) There exists a necessity to create a broadband advisory council in the
2 state to close any digital divide that may exist for the citizens of Louisiana and to
3 focus on the ability of rural areas to support the creation, retention, expansion, and
4 recruitment of businesses.

5 §955.2. Definitions

6 For the purposes of this Part, the following words and phrases shall have the
7 meanings hereinafter ascribed to them:

8 (1) "Broadband access" means advanced telecommunications capability and
9 Internet access with transmission speeds of at least the Federal Communications
10 Commission definition.

11 (2) "Council" means the Louisiana Broadband Advisory Council.

12 (3) "Executive Director" means the executive director of the Governor's
13 Office of Rural Development.

14 (4) "Office" means the Governor's Office of Rural Development.

15 (5) "Rural area" means those parishes within the state having a population
16 of less than one hundred thousand persons or municipalities having a population of
17 less than thirty-five thousand persons or the unincorporated area of a parish having
18 a population of over one hundred thousand persons.

19 §955.3. Creation of council; members; terms; meetings; vacancies; quorum

20 A.(1) The Louisiana Broadband Advisory Council is hereby created within
21 the Governor's Office of Rural Development and shall consist of twenty-four
22 members, including six ex officio members, one member appointed by the president
23 of the Senate, one member appointed by the speaker of the House of Representatives,
24 and sixteen members appointed by the governor.

25 (2) The following shall serve as ex officio members of the council and shall
26 serve terms concurrent with their terms of office:

27 (a) The governor or her designee.

28 (b) The executive director of the Governor's Office of Rural Development
29 or his designee.

1 (c) The superintendent of the Department of Education or his designee.

2 (d) The chief information officer of the state.

3 (e) The commissioner of higher education or his designee.

4 (f) The secretary of the Department of Economic Development or his
5 designee.

6 (3) Other than members appointed pursuant to Subparagraphs (a) and (b) of
7 this Paragraph who shall be appointed by the presiding officer of their respective
8 house of the legislature, the following members shall be appointed by the governor:

9 (a) One member from the Louisiana Senate who represents a rural area of the
10 state.

11 (b) One member from the Louisiana House of Representatives who
12 represents a rural area of the state.

13 (c) One member from the Public Service Commission.

14 (d) One member appointed from a list of three nominees submitted by the
15 Louisiana Municipal Association.

16 (e) One member appointed from a list of three nominees submitted by the
17 Louisiana Policy Jury Association.

18 (f) One member appointed from a list of three private sector individuals
19 submitted by electric utility companies doing business within the state.

20 (g) Three members who shall be private sector individuals representing local
21 telephone exchange carriers. One such member shall be from a predominant
22 incumbent local exchange carrier; one shall represent the Louisiana
23 Telecommunications Association; and one shall represent a competitive local
24 exchange carrier.

25 (h) Two members who shall be private sector individuals representing
26 satellite or wireless communications companies.

27 (i) Two members who shall be private sector individuals representing cable
28 communications companies.

1 (j) One member who shall be a private sector individual representing a carrier
2 whose predominant business is intrastate and/or interstate interexchange
3 telecommunications services.

4 (k) One member who shall be a private sector individual representing an
5 Internet service provider.

6 (l) Three members who shall be private sector individuals representing
7 businesses located in rural areas that utilize advanced telecommunication and
8 information services or need such services to further develop their businesses.

9 (4) The appointed members of the council shall represent the geographic,
10 gender, and racial diversity of the state. However, no more than nine of the appointed
11 members of the council shall be affiliated with the following: local exchange
12 telephone carriers, rural telephone cooperatives, broadband service providers,
13 wireless or satellite communications carriers, and cable communications companies.

14 (5)(a) The two appointed members of the council who are members of the
15 legislature shall serve terms concurrent with their terms of office.

16 (b) Of the remaining initial appointees to the council, three shall serve two-
17 year terms, three shall serve three-year terms, and three shall serve four-year terms.
18 Thereafter, any such successive appointed members shall serve four-year terms.

19 B. The governor shall convene the first meeting of the council and shall
20 designate one of the appointed members of the council as the chairman. The council
21 shall designate a vice chairman and such other officers as it deems necessary.

22 C. All members of the council shall remain in office until their successors are
23 appointed. All vacancies shall be filled in the same manner prescribed in Subsection
24 A of this Section for the remainder of the unexpired term.

25 D. The council shall meet at least quarterly and at such other times upon the
26 call of the chairman or a majority of the members.

27 E. A quorum to transact business shall be a majority of the members of the
28 council.

1 F. The council shall have authority to utilize the Cabinet Advisory Group
2 established in R.S. 51:2383 to carry out the functions of the council as they relate to
3 the membership of the Cabinet Advisory Group.

4 §955.4. Duties of the council; strategic plan; subcommittees; staff; grants,
5 contributions, and appropriations

6 A. The council shall have the following duties:

7 (1) To serve as the central broadband planning body for the state and to
8 communicate and coordinate with state, regional, and local agencies and private
9 entities in order to develop a coordinated statewide broadband access and usage
10 policy, consistent with homeland security and emergency response needs, policies,
11 and systems.

12 (2) To develop and recommend to the commissioner of administration and
13 the governor a statewide plan to encourage provision of cost-effective broadband
14 access and to make recommendations for increased usage, with a particular focus on
15 rural and underserved areas.

16 (3) To recommend funding options and possible incentives for the private
17 sector to make necessary investments to achieve the council's goals and objectives.

18 (4) To set specific targets and milestones to achieve the goals and objectives
19 set forth in the plan of action provided for in Subsection B of this Section.

20 (5) To oversee the implementation and completion of the identified goals and
21 objectives.

22 (6) To submit to the Senate and House Committees on Agriculture, Forestry,
23 Aquaculture, and Rural Development, the House Committee on Commerce, the
24 Senate Committee on Commerce, Consumer Protection and International Affairs, the
25 House Committee on Appropriations, and the Senate Committee on Finance an
26 annual report summarizing the council's activities during the previous year.

27 (7) To review and recommend changes in all laws, rules, programs, and
28 policies of this state, or any agency or subdivision thereof, to further the goals of
29 providing broadband access and usage.

1 B.(1) By March 1, 2005, the council shall submit to the commissioner of
2 administration and the governor a strategic plan for compiling and maintaining
3 relevant information, implementing strategies and action items and reaching the goal
4 of providing all areas of the state with cost-effective broadband access and
5 recommendations for increased usage.

6 (2) The strategic plan shall be reviewed for progress in implementation and
7 updated and resubmitted to the governor every year.

8 C. If requested by the council, the state planning and development districts
9 or other entities deemed appropriate by the council shall assist in the study of the
10 information technology infrastructure and information technology needs of the rural
11 areas within their particular regions. Such study may include an inventory of the
12 existing information technology infrastructure; an inventory of information
13 technology needs; an analysis of how such information technology needs affect
14 industry and business recruitment, expansion, retention, and creation; and
15 recommendations that address the information technology needs of each region.

16 D. To effectively carry out its duties and reach its goals, the council may
17 form various subcommittees, which may consist of persons who are not council
18 members but who possess expertise in various areas under study by the council. A
19 member of the council shall chair such subcommittees. The chairman of such
20 subcommittee shall select the members of his subcommittee.

21 E. With the consent of the executive director and the council and subject to
22 available funds, the executive director may utilize the services of appropriate staff
23 from the Department of Economic Development, the Governor's Office of Rural
24 Development, or the Board of Regents as may be necessary to carry out the functions
25 of the council.

26 F. The executive director may apply for, accept, and utilize grants,
27 contributions, and other funding on behalf of the council in order to carry out the
28 duties and goals set forth by the council.

1 Section 2. R.S. 36:4(L) is hereby amended and reenacted to read as follows:

2 §4. Structure of executive branch of state government

3 * * *

4 L.(1) The office of rural development Office of Rural Development, as more
5 specifically provided in R.S. 3:311 through 318, shall be placed within the office of
6 the governor and shall perform and exercise its powers, duties, functions, and
7 responsibilities as provided by law.

8 (2) The Louisiana Broadband Advisory Council, as more specifically
9 provided in R.S. 51:995.1 through 995.4, shall be placed within the Office of Rural
10 Development in the office of the governor and shall perform and exercise its powers,
11 duties, functions, and responsibilities as provided by law.

12 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____