

Regular Session, 2014

HOUSE BILL NO. 1249

BY REPRESENTATIVES MONTOUCET, FANNIN, AND REYNOLDS

UTILITIES: Provides relative to inspection and supervision fees paid by certain motor carriers and public utilities doing business in this state

1 AN ACT

2 To amend and reenact R.S. 45:177(A)(1), (2)(j), (4), and (5), to enact R.S. 45:177(A)(6), and
3 to repeal R.S. 45:177(A)(2)(k), relative to inspection and supervision fees paid by
4 certain motor carriers and public utilities doing business in this state; to change the
5 ranges for such fees; to exempt nonprofit water utility cooperatives or corporations
6 wholly owned by water user members from paying such fees; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 45:1177(A)(1), (2)(j), (4) and (5) are hereby amended and reenacted
10 and R.S. 45:177(A)(6) is hereby enacted to read as follows:

11 §1177. Inspection and supervision fees; Utility and Carrier Inspection and
12 Supervision Fund

13 A.(1) Each motor carrier as defined in ~~R.S. 45:162(10)~~ R.S. 45:162(12) and
14 public utility doing business in Louisiana and subject to control and jurisdiction of
15 the commission shall pay to the state a fee for the inspection, control, and
16 supervision of the business service and rates of such common carrier and public
17 utility, in addition to any and all property, franchise, license, and other taxes, and
18 fees and charges now or hereafter fixed, assessed, or charged by law against such
19 common carrier and public utility. The amount of the fees shall be measured by the
20 gross receipts of each public utility from its Louisiana intrastate business. The

1 amount of the fees for each motor carrier as defined in ~~R.S. 45:162(10)~~ R.S.
2 45:162(12) shall be measured by the gross receipts of such carrier derived from those
3 activities that are subject to the control and jurisdiction of the commission.

4 (2) The fees for the first quarter gross receipts of each calendar year shall be
5 paid on or before June thirtieth; the fees for the second quarter gross receipts shall
6 be paid on or before September thirtieth; the fees for the third quarter gross receipts
7 shall be paid on or before December thirty-first; and the fees for the fourth quarter
8 gross receipts shall be paid on or before March thirty-first of the following calendar
9 year. The application of this schedule shall be based on and calculated according to
10 the cumulative gross receipts beginning with the first quarter of each calendar year.
11 In no event shall any utility or carrier pay less than twenty dollars each quarter. The
12 fee to be paid by each common carrier, contract carrier, and public utility shall be
13 paid quarterly as follows:

14 * * *

15 (j) \$.75 per \$1000 of such gross receipts in excess of \$25,000,000 ~~and not~~
16 ~~more than \$100,000,000.~~

17 * * *

18 (4) The fees owed pursuant to this Subsection shall not be applicable to any
19 nonprofit water utility cooperative or corporation wholly owned by water user
20 members.

21 ~~(4)~~ (5) Notwithstanding any provision in this Section to the contrary, the fees
22 to be paid under the provisions of this Section on the gross receipts of a common
23 carrier operating sightseeing passenger vehicles within the limits, and not more than
24 ten miles therefrom, of one incorporated municipality under a municipal certificate
25 of public convenience and necessity shall be measured only by that part of the gross
26 receipts derived from the Louisiana intrastate business conducted outside, but not
27 including ten miles therefrom, such municipality.

28 ~~(5)~~ (6) Notwithstanding any contrary provision in this Section, for an electric
29 cooperative organized pursuant to R.S. 12:401 et seq., the gross receipts under this

1 Section shall not include the purchased power cost paid for the purchase of
2 wholesale power for resale, on which fees have been paid or will be paid under the
3 provisions of this Section.

4 * * *

5 Section 2. R.S. 45:177(A)(2)(k) is hereby repealed in its entirety.

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)]

Montoucet

HB No. 1249

Abstract: Provides relative to the fees paid by certain motor carriers and public utilities subject to the control of the Public Service Commission for the inspection and control, and supervision of their business service and rates.

Present law requires certain motor carriers and public utilities subject to the control of the Public Service Commission to pay fees for the inspection, control, and supervision of their business service and rates.

Present law provides that such fees shall be paid quarterly and be in a certain amount per \$1,000 of certain gross receipts, less or in excess of a certain amount or range of such carriers and utilities.

Present law provides that the fees paid to the commission shall be \$.75 per \$1,000 of such gross receipts in excess of \$25 million and not more than \$100 million.

Proposed law removes the maximum limit of \$100 million from present law.

Present law provides that the fees paid to the commission shall be \$.59 per \$1,000 of such gross receipts in excess of \$100 million.

Proposed law deletes present law.

Proposed law provides that such inspection and supervision fees shall not be applicable to any nonprofit water utility cooperative or corporation wholly owned by water user members.

(Amends R.S. 45:177(A)(1)(2)(j), (4), and (5); Adds R.S. 45:177(A)(6); Repeals R.S. 45:177(A)(2)(k))