
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SB 209 Original

DIGEST
2026 Regular Session

Myers

Present law creates the "Local Government Fair Competition Act" and declares the legislative intent regarding a local government's decision to provide cable television services, telecommunications, or advanced services to its inhabitants.

Present law defines "covered services" to mean telecommunications services, advanced services, and cable television services individually or collectively, and regardless of technology used to provide these services.

Proposed law retains present law and further provides and declares that the intent of the legislature is as follows:

- (1) To ensure that when a local government provides covered services, it shall not be precluded from engaging in any other lawful business practice that its private sector competitors are legally permitted to engage in.
- (2) To promote reliable and effective interoperability between local public safety communications systems and national communications networks.
- (3) To ensure that local governments establish and maintain basic and reliable communications among state and local law enforcement and emergency agencies.
- (4) To ensure that local government provide effective access to important safety and other information during times of emergency.
- (5) To ensure that individuals are able to access necessary information as easily as possible so they can make appropriate, important, or necessary personal and business decisions.
- (6) To foster the development and expansion of broadband through commerce, education, public safety, and economic development.
- (7) To foster development and expansion of broadband services to unserved and underserved communities throughout the state.
- (8) To foster opportunities for local governments receive or participate in grant programs for the purposes of broadband and development.

- (9) To enable governmental entities to collaborate in developing and implementing broadband projects, including broadband projects for any purpose consistent with an authorized function of local government.
- (10) To enable local governments in the state to be more competitive with local governments in other states, in areas of education and economic development.

Present law does not authorize any parish, municipality, or other political subdivision to provide a cable television or a telecommunications or advanced service, or purchase, lease, construct or equip facilities for the purpose of providing cable television or telecommunications or advanced services.

Present law does not apply to a local governmental entity that purchases, leases, constructs, or equips a facility that is designed to provided services within the city or parish and which is used by the local government or is used by a private provider.

Proposed law retains present law except provides that applicability of present law does not apply to local government purchasing, leasing, constructing, operating, or equipping facilities:

- (1) That the local government uses for internal local purposes.
- (2) To provide covered services to unserved or underserved areas as defined by federal law.
- (3) Through a partnership, joint venture, or cooperative endeavor agreement with a public or private entity for the purchasing, leasing, constructing, operating, or equipping of broadband facilities or services.
- (4) Funded in whole or in part by any grant program of the state or federal government, established for the development or expansion of broadband services.
- (5) For fostering commerce, education, public safety, or economic development.
- (6) That the local government leases, sells capacity in, or grants rights to a private provider to use the facilities in connection with a private provider offering a covered service.

Present law provides that a local government may not provide to one or more subscribers a covered service and for purpose of providing a covered service to one or more subscribers, a local government may not purchase, lease, construct, maintain, or operate any facility.

Present law allows a local government to provide a covered service if it is provided directly or indirectly, including through an authority or instrumentality acting on behalf of the local government or for the benefit of the local government, by itself through a partnership or joint venture or by contract, resale, or otherwise.

Proposed law retains present law except removes the ability for a local government to provide a covered services directly or indirectly, including through an authority or instrumentality acting on

behalf of the local government or for the benefit of the local government, by itself through a partnership or joint venture or by contract, resale, or otherwise.

Present law provides that a bond issued under present law shall be secured and paid for by revenues generated by the local government from providing the covered service. Further prohibits a local government from paying the origination, financing, or other carrying costs associated with bonds issued from the general funds or other enterprise funds of the local government. Allows a local government from using the general funds or other enterprise funds to advance funds for the feasibility study or start-up costs for the proposed venture.

Proposed law removes present law as it relates to revenues generated by local government and general funds or other enterprise funds used to advance funds for the feasibility study or start-up cost for proposed ventures.

Present law does not preclude local government that owns and operates electric, water, gas, sewer and other utilities from pledging the resources of such utilities to obtain the best available interest rates, terms and conditions for the bonds necessary to finance the facilities used to provide the proposed covered services. Further provides that nothing in present law provides a local governing authority bonding authority.

Proposed law retains present law.

Present law imposes certain general operating limitations on a local government which provides cable television or telecommunications or advanced services, including but not limited to prohibiting cross-subsidizing covered services with tax dollars, income from local utility services, and below-market rate loans from local government or any other means, compliance with certain federal, state, and local statutes, prohibitions regarding certain preferences, calculations of rates that may be charged by the local government regarding the services offered, and other similar operational requirements which must be met by the local government.

Proposed law clarifies present law and provides in calculating the rates charged by a local government for a covered service, the local government may bundle one or more covered services and offer promotional discounts or engage in other business practices on the same terms and conditions as federal and state law, including applicable rules of the La. Public Service Commission, permit similarly situated private providers to bundle covered services.

Present law requires the La. Public Service Commission to adopt and enforce cost allocation and affiliate transaction rules for all covered services and for the protection of commercially sensitive marketing information disclosed by local government.

Present law requires the La. Public Service Commission to conduct audits of a local government's compliance with the cost allocation and affiliate transaction rules.

Proposed law removes the authority of the La. Public Service Commission in present law to adopt cost allocation and affiliate transaction rules and conduct audits on a local government providing

covered service.

Effective August 1, 2026.

(Amends R.S. 45:844.42(7), 844.45(B), 844.47, 844.52(C), and 844.53(2)-(4); adds R.S. 45:844.42(8)-(18); and repeals R.S. 45:844.53(5) and 844.55(D))