

SENATE COMMITTEE AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 10 by Senator Mizell

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 12:430.1" and before the comma "," insert "and 430.2 and to repeal Act No. ____ of the 2020 Regular Session of the Louisiana Legislature, which originated as Senate Bill 406"

AMENDMENT NO. 2

On page 1, delete line 3, and insert "provide relative to servitudes; to provide for reporting by cooperatives regarding broadband"

AMENDMENT NO. 3

On page 1, delete line 8 and insert the following:

"Section. 1. R.S. 12:430.1 and 430.2 are hereby enacted to read as follows:

§430.1. Servitudes; provision of broadband services

A.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, a cooperative may grant permission to a broadband affiliate or a broadband service provider to use the electric delivery system of the cooperative to provide broadband services. The use of the cooperative's electric delivery system for the provision of broadband services by the broadband affiliate or a broadband service provider shall not be considered an additional burden on the property upon which the cooperative's electric delivery system is located and shall not require the broadband affiliate or broadband service provider to obtain the additional consent from anyone having an interest in the property upon which the cooperative's electric delivery system is located.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to any property owned or controlled by a railroad company operating in the state.

(2)(a) If a portion of a cooperative's electric delivery system is used by a broadband affiliate or broadband service provider for the purpose of providing broadband services and the landowner of the property on which such portion is located believes his property has been damaged by such use, the landowner may petition the district court in which the property is situated for any damages to which the landowner may be entitled pursuant to this Subsection, subject to the provisions of Subparagraph (b) of this Paragraph.

(b) A cooperative or its members shall not be liable for any recoverable damages to property awarded by a court pursuant to the provisions of this Subsection, and the damages shall be the sole responsibility of the broadband affiliate or broadband service provider.

B. As used in this Section:

(1) "Broadband affiliate" means any entity that meets all of the following criteria:

(a) Is wholly or partially owned by a cooperative.

(b) Is formed to own or operate a broadband system or provide broadband high-speed internet services.

(2) "Broadband service provider" means an entity that provides broadband services to another on a wholesale basis or to an end-use customer on a retail basis.

(3) "Broadband services" means any service, using any equipment or technology, including wireline or fixed wireless broadband internet service, that consists of or includes the provision of or connectivity to a high-speed, high-

capacity transmission medium meeting the Federal Communications Commission's benchmark of at least twenty-five megabits per second download and three megabits per second upload, or any subsequent benchmark determined by the Federal Communications Commission, that can carry signals from or to multiple sources and that does either of the following:

(a) Is used to provide access to the internet.

(b) Provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service. As used in this Part, "broadband services" shall also include video services, Voice over Internet Protocol services, wireless services, and internet protocol-enabled services.

(4) "Electric delivery system" means the poles, lines, materials, equipment, easements, and other facilities or properties used by a cooperative."

AMENDMENT NO. 4

On page 1, line 9, change "§430.1." to "§430.2."

AMENDMENT NO. 5

On page 1, line 10 delete "Louisiana" and on line 11 delete "rural electric"

AMENDMENT NO. 6

On page 1, line 14, delete "electric"

AMENDMENT NO. 7

On page 2, delete lines 1 through 5

AMENDMENT NO. 8

On page 2, line 6, change "(3)" to "(1)" and delete "electric"

AMENDMENT NO. 9

On page 2, line 8, change "(4)" to "(2)"

AMENDMENT NO. 10

On page 2, line 12, change "(5)" to "(3)"

AMENDMENT NO. 11

On page 2, line 13, delete "electric"

AMENDMENT NO. 12

On page 2, delete line 14 and insert "C. As used in this Section:"

AMENDMENT NO. 13

On page 2, delete lines 15 through 23

AMENDMENT NO. 14

On page 2, line 24, change "(2)" to "(1)" and delete "electric"

1 AMENDMENT NO. 15

2 On page 2, line 27, change "(3)" to "(2)"

3 AMENDMENT NO. 16

4 On page 3, line 10, change "unserved areas" to "a served and an unserved area"

5 AMENDMENT NO. 17

6 On page 3, line 11, after "providers;" delete the remainder of the line and delete lines 12 and
7 13 and on line 14, delete "approved or denied;"

8 AMENDMENT NO. 18

9 On page 3, line 16, change "to unserved" to "in unserved areas to"

10 AMENDMENT NO. 19

11 On page 3, between lines 19 and 20 insert:

12 "Section 3. Act No. ____ of the 2020 Regular Session of the Louisiana Legislature,
13 which originated as Senate Bill No. 406, is hereby repealed."

14 AMENDMENT NO. 20

15 On page 3, line 20, change "Section 3." to "Section 4."