

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Original Senate Bill No. 273 by Senator Peacock

1 AMENDMENT NO. 1

2 On page 1, line 2, change "4510(D)" to "4401 and to enact R.S. 33:4361(C) and R.S. 45:853"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "subdivisions" delete the remainder of the line, delete lines 4 and 5,
5 and insert the following:

6 "on certain public utilities; to provide for proper notice and explanation of such fees
7 on billing statements sent to ratepayers"

8 AMENDMENT NO. 3

9 On page 1, line 8, change "4510(D)" to "4401" and between "reenacted" and "to" insert "and
10 R.S. 33:4361(C) is hereby enacted"

11 AMENDMENT NO. 4

12 On page 1, delete lines 9 through 17, on page 2, delete lines 1 through 4, and insert the
13 following:

14 "§4361. Police jury may grant franchise for use of streets, roads and alleys outside
15 municipalities

16 * * *

17 **C. Notwithstanding any law, rule, regulation, or order to the contrary,**
18 **on or after January 1, 2013, the Louisiana Public Service Commission may**
19 **require that whenever a parish governing authority imposes a franchise fee**
20 **upon a public utility which the utility collects or recovers from the utility's**
21 **consumers, the utility's monthly billing statement shall specifically and clearly**
22 **include a separate line item for the applicable franchise fee, with the name of**
23 **the parish imposing the fee, the total amount or rate of the franchise fee, and**
24 **the total amount of the billing attributable to the fee.**

25 * * *

26 §4401. Granting franchise to use streets for telephone, telegraph, electric light, water
27 and gas system

28 **A.** The governing authorities of all municipalities may grant a franchise to
29 any person to use and occupy the streets, alleys, and public places therein, and to
30 obstruct the same or any part thereof, by constructing, maintaining, and operating (1)
31 poles, wires, and appurtenances for telephone, telegraph, and electric transmission
32 and distribution systems and (2) pipelines, mains for a water or gas transportation
33 and distribution system. These franchises shall not be exclusive, nor be for a longer
34 period than sixty years and shall be subject to any terms, conditions and stipulations
35 prescribed by the governing authorities of the municipalities. This section shall not
36 apply to municipalities which are required under the provisions of their charter to
37 hold referendum elections to grant or lease franchises.

38 **B. Notwithstanding any law, rule, regulation, or order to the contrary,**
39 **on or after January 1, 2013, the Louisiana Public Service Commission may**
40 **require that whenever a municipality imposes a franchise fee upon a public**
41 **utility which the utility collects or recovers from the utility's consumers, the**
42 **utility's monthly billing statement shall specifically and clearly include a**
43 **separate line item for the applicable franchise fee, with the name of the**
44 **municipality imposing the fee, the total amount or rate of the franchise fee, and**
45 **the total amount of the billing attributable to the fee.**

1 Section 2. R.S. 45:853 is hereby enacted to read as follows:

2 **§853. Proper notice and explanation of franchise fees**

3 **Notwithstanding any law, rule, regulation, or order to the contrary, on**
4 **or after January 1, 2013, the Louisiana Public Service Commission may require**
5 **that whenever a political subdivision imposes a franchise fee upon a public**
6 **utility which the utility collects or recovers from the utility's consumers, the**
7 **utility's monthly billing statement shall specifically and clearly include a**
8 **separate line item for the applicable franchise fee, with the name of the political**
9 **subdivision imposing the fee, the total amount or rate of the franchise fee, and**
10 **the total amount of the billing attributable to the fee.**

11 Section 3. The Louisiana Public Service is hereby urged and requested to study,
12 including holding public hearings as deemed necessary, requiring public utilities to
13 specifically and clearly include in the monthly billing statements issued to its
14 consumers a separate line item for any applicable franchise fee, containing the name
15 of the political subdivision imposing the fee, the total amount or rate of the franchise
16 fee, and the total amount of the billing attributable to the fee. The commission shall
17 report its findings to the legislature on or before February 1, 2013."

18 **AMENDMENT NO. 5**

19 On page 2, line 5, change "Section 2." to "Section 4."