

Regular Session, 2012

SENATE BILL NO. 269

BY SENATOR PEACOCK

TAX/LOCAL. Prohibits a police jury, municipality, or other local governing authority from charging any franchise fee or similar charge to an electric, gas, or water public utility which is in excess of 2% of annual gross receipts. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 33:4461, relative to franchise fees imposed by political
3 subdivisions; to limit the franchise fees and similar charges which may be imposed
4 on an electric, gas, or water public utility; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:4461 is hereby amended and reenacted to read as follows:

7 §4461. Limitation on cable television fees and charges **and other franchise fees**
8 **and charges**

9 **A.** No police jury, municipality, or other local governing authority
10 empowered to grant cable television franchises shall charge any franchise fee of any
11 kind in excess of that authorized by federal law.

12 **B. Notwithstanding any other law or agreement to the contrary,**
13 **beginning January 1, 2013, no police jury, municipality, or other local**
14 **governing authority empowered to grant a franchise to an electric, gas, or water**
15 **public utility shall charge any franchise fee or similar charge in excess of two**
16 **percent of the annual gross receipts of the utility from its customers within the**
17 **parish, municipality, or other local governing authority.**

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Present law authorizes the governing authorities of municipalities and parishes to grant a franchise to public utilities to use and occupy public places within their jurisdictions for constructing, maintaining, and operating structures and equipment to operate the public utilities' business.

Proposed law prohibits police juries, municipalities, or other local governing authorities which are empowered to grant a franchise to an electric, gas, or water public utility to charge any franchise fee or similar charge in excess of 2% of the annual gross receipts of the utility from its customers within the parish, municipality, or other local governing authority, beginning January 1, 2013.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 33:4461)