

2022 Regular Session

HOUSE BILL NO. 276

BY REPRESENTATIVES BISHOP, AMEDEE, BRYANT, CARRIER, DEVILLIER,
EMERSON, FISHER, JORDAN, LARVADAIN, MAGEE, CHARLES OWEN,
SELDERS, AND ZERINGUE

TELECOMMUNICATIONS: Exempts certain video programming from franchise fees

1 AN ACT

2 To amend and reenact R.S. 45:1363(introductory paragraph), (1), and (14), relative to
3 franchise fees associated with video services; to provide for certain definitions; to
4 provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 45:1363(introductory paragraph), (1), and (14) are hereby amended
7 and reenacted to read as follows:

8 §1363. Definitions

9 ~~When~~ As used in this Chapter, the following terms have the following
10 meanings:

11 (1) "Cable service" means the one-way transmission to subscribers of video
12 programming or other programming service and any subscriber interaction required
13 for the selection or use of ~~such~~ video programming or other programming service;
14 ~~but~~. "Cable service" shall not include any video programming provided by a
15 commercial mobile service provider or video programming accessed via a service
16 that enables users to access content, information, e-mail, or other services offered
17 over the internet, including streaming content.

18 * * *

1 (14) "Video service" means video programming services provided by a video
2 service provider through wireline facilities located at least in part in the public rights
3 of way without regard to delivery technology, including Internet protocol
4 technology. "Video service" shall not include any ~~video programming provided by~~
5 a of the following:

6 (a) A commercial mobile service provider as defined in this Section.

7 (b) Direct-to-home satellite services as defined in 47 U.S.C. 303(v).

8 (c) ~~or video~~ Video programming provided as part of accessed via a service
9 that enables users to access content, information, e-mail, or other services offered
10 over the ~~public Internet~~ internet, including streaming content.

11 * * *

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

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)]

HB 276 Reengrossed 2022 Regular Session Bishop

Abstract: Specifies that certain video programming, including streaming services, are excluded from the definition of "video service" and "cable service" for purposes of franchise fees.

Present law defines "cable service" as the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required for the selection or use of video programming or other programming service. Present law excludes video programming provided by a commercial mobile service provider from the definition of "cable service".

Proposed law retains the exclusion for video programming provided by a commercial service provider from the definition of "cable service" and adds video programming accessed via a service that enables users to access content, information, e-mail, or other services offered over the internet, including streaming content to the exclusion.

Present law defines "video service" as video programming services provided through wireline facilities located at least in part in the public rights of way without regard to

delivery technology, including internet protocol technology. Present law excludes video programming by a commercial mobile service provider and video programming provided as part of a service enabling users to access information over the internet from the definition of "video service".

Proposed law retains present law but excludes direct-to-home satellite services as defined in present federal law from the definition of "video service" and specifies that streaming content is included in the video programming that is excluded from the definition of "video service".

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

(Amends R.S. 45:1363(intro. para.), (1), and (14))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Delete provisions in proposed law authorizing the secretary of state to audit, file suit, and resolve disputes relating to franchise fee payments.
2. Exclude video programming accessed via a service that enables users to access content, information, e-mail, or other services offered over the internet, including streaming content from the definition of "cable service".
3. Exclude streaming content from the definition of "video service".

The House Floor Amendments to the engrossed bill:

1. Specify that a "video service" is a service provided by a video service provider.
2. Remove direct broadcast satellite service from services excluded from the definition of "video service" and exclude instead direct-to-home satellite services as defined in present federal law.
3. Add an effective date of upon signature of the governor or lapse of time for gubernatorial action.