

Regular Session, 2013

HOUSE BILL NO. 108

BY REPRESENTATIVE BROADWATER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TELEVISION/CABLE: Authorizes local governmental subdivisions to approve certain activities under the Consumer Choice of Television Act

1 AN ACT

2 To amend and reenact R.S. 45:1374, relative to the Consumer Choice for Television Act; to  
3 provide for local governmental authority; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 45:1374 is hereby amended and reenacted to read as follows:

6 §1374. Local governmental authority

7 A. A local governmental subdivision's authority to regulate the holder of a  
8 certificate is limited to the following items:

9 (1) A requirement that the holder of a certificate which is providing cable  
10 service or video service within the local governmental subdivision register with the  
11 local governmental subdivision and maintain a current point of contact.

12 (2) The establishment of reasonable guidelines regarding the use of PEG  
13 access programming streams or channels.

14 (3) A requirement that the holder of a certificate which is providing cable  
15 service or video service within the local governmental subdivision submit for  
16 approval a written plan of placement of a network in public rights-of-way.

17 B. ~~A~~ Upon approval of the local governmental subdivision, a local  
18 governmental subdivision shall allow the holder of a certificate to install, construct,  
19 and maintain a network within public ~~rights of way~~ rights-of-way and shall provide  
20 the holder of a certificate with open, comparable, nondiscriminatory, and

1 competitively neutral access to the public ~~rights-of-way~~ rights-of-way. If during the  
 2 installation, construction, or maintenance of said network, the holder disturbs any  
 3 public ~~right-of-way~~ right-of-way, the holder shall replace and restore the public ~~right~~  
 4 ~~of-way~~ right-of-way to a condition reasonably comparable to the condition of the  
 5 public ~~right-of-way~~ right-of-way existing immediately prior to such disturbance. All  
 6 use of public ~~rights-of-way~~ rights-of-way by the holder of a certificate is  
 7 nonexclusive, and a local governmental subdivision may not discriminate against the  
 8 holder of a certificate regarding any of the following items:

9 (1) The authorization ~~or placement~~ of a network in public ~~rights-of-way~~  
 10 rights-of-way.

11 (2) Access to a building or other property.

12 (3) Utility pole attachment terms.

13 C. Nothing contained in this Chapter shall impair the lawful exercise of  
 14 existing police powers of the local governmental subdivisions in which cable service  
 15 or video service is delivered, including but not limited to the right to require  
 16 construction permits and utility pole attachment agreements.

17 D. Nothing contained in this Chapter shall impair the authority of local  
 18 governmental subdivisions to adopt and enforce reasonable regulations or ordinances  
 19 requiring the approval of plans, drawings, or plats for the placement of a network,  
 20 including but not limited to below- and above-ground structures, within the public  
 21 rights-of-way. The local governmental subdivision shall determine the process for  
 22 reviewing and approving the plans and shall be responsible for the coordination of  
 23 the timing and the approval process.

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#### 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)]

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Broadwater

HB No. 108

**Abstract:** Allows local governmental subdivisions to approve plans for the placement of cable or video service in rights-of-way within the local governmental subdivision.

Present law (Consumer Choice for Television Act) allows for state franchises for the provision of cable or video service. Allows local governmental subdivisions to regulate the holder of a state certificate through registration with the subdivision and providing a point of contact and through the establishment of reasonable guidelines regarding the use of certain access programming channels.

Proposed law retains present law and authorizes local governmental subdivisions to regulate holders of a state certificate to provide cable or video services to require the submission for approval of a written plan of placement of a network in public rights-of-way.

Present law requires a local governmental subdivision to allow the installation, construction, and maintenance of a network within public rights-of-way and requires access to public rights-of-way. Present law further prohibits a local governmental subdivision from discriminating against the holder of a certificate with regard to the authorization and placement of a network in public rights-of-way.

Proposed law retains present law, except authorizes local governmental subdivisions to approve the placement of a network in public rights-of-way.

Proposed law further authorizes local governmental subdivisions to adopt and enforce reasonable regulations requiring the approval of plans, drawings, or plats for the placement of a network, including but not limited to structures above and below ground, within a public right-of-way. Authorizes local governmental subdivisions to determine the process for reviewing and approving plans and allows for the coordination of the timing of the process.

(Amends R.S. 45:1374)