

# Committee Reports

## COMMITTEE REPORT

### House of Representatives Subcommittee on Oversight of the House Committee on Insurance

Office of the Commissioner  
Regulation 76  
Privacy of Consumer Financial Information  
(LAC 37:XIII.Chapter 99)

Pursuant to the authority of R.S. 49:953(B) the Subcommittee on Oversight of the House Committee on Insurance conducted a hearing on January 26, 2001 to review Emergency Rule No. 76, relative to the regulation of the use of consumers nonpublic personal information by insurers and financial institutions, adopted by the acting commissioner of the Department on Insurance on December 10, 2000. The subcommittee received testimony from the department, representatives of the regulated community, and others regarding the Emergency Rules.

The members of the subcommittee expressed concern as to whether there exist sufficient facts to constitute an emergency. Some members felt that since the same Rules were being considered in the ordinary Rule making process, there was no need to have Emergency Rules. Pursuant to these concerns the subcommittee by a unanimous vote (13-0) found Emergency Rule No. 76 to be unacceptable.

James Donelon  
Chairman

0102#038

## COMMITTEE REPORT

### House Committee on Transportation, Highways and Public Works and Senate Committee on Transportation, Highways and Public Works

Highways/Engineering  
Fiber Optic Permits  
(LAC 70:III.Chapter 25)

Pursuant to the authority of R.S. 49:968, the House and Senate Committees on Transportation, Highways and Public Works met jointly on February 6, 2001 to receive comments

and testimony regarding changes to administrative rules proposed by the Department of Transportation and Development (DOTD) for fiber optic permits. The committees received testimony from the department and representatives of the telecommunications industry regarding the rule.

These proposed changes are in response to DOTD's concerns that have arisen as a result of a current permittee's actions. This permittee paid the current permit fee and installed twelve empty conduits in the department's right-of-way. By doing this, the permittee filled the available space in the right-of-way with empty conduits thereby limiting other provider's access to the right-of-way. DOTD is concerned that if the permittee leases the empty conduit space to third parties, DOTD could be exposed to additional liability since they have no contractual relationship with these third parties.

Members of the joint committee expressed concern that the department failed to present written comparative data regarding other southern states' fees for the installation of multiple fiber optic conduits.

In addition, committee members noted that R.S. 48:381.2(C) provides:

"The secretary may promulgate rules and regulations in accordance with the Administrative Procedure Act and with the involvement of industry members . . ."

However, telecommunications industry representatives stated that the department had not included them in the promulgation of the rules beyond what is statutorily required in the Administrative Procedure Act.

Lastly, the industry was concerned that the proposed fee change regarding the fiber optic permits exceeded the actual cost of the administration of the rights-of-way program as provided in R.S. 48:381.2(F).

Pursuant to these concerns the House and Senate Committees, by unanimous votes of (10-0) and (7-0) respectively, found the rule unacceptable.

John C. Juba Diez  
Chairman, House Committee

Francis Heitmeier  
Chairman, Senate Committee

0102#089