

2020 Regular Session

SENATE BILL NO. 492

BY SENATOR CATHEY

UTILITIES. Preempts local regulation of the use of natural gas utility service. (8/1/20)

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AN ACT

To enact R.S. 40:1730.21.1, relative to the state uniform construction code; to provide for the state regulation of natural gas utility service; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.21.1 is hereby enacted to read as follows:

§1730.21.1. State preemption of natural gas utility service

A. The regulation of a utility provider's authority to operate and serve customers is a matter of statewide concern. No code, ordinance, land use restriction or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision adopted by a parish or municipality may prohibit or have the effect of restricting a person's or entity's ability to use the services of a utility provider that is capable and authorized to provide the utility service at a person's or entity's property.

B. A parish or municipality may not deny a permit application based on the utility provider proposed to provide utility service to the project.

C. A parish or municipal issuing a building permit shall ensure that all applicable permits and associated fees assessed on a building permit applicant

1 contain requirements and amounts that do not exceed the requirements and
 2 amounts for use of other utility providers and do not have the effect of
 3 restricting a permit applicant's ability to use the services of a utility provider
 4 that is capable and authorized to provide utility service.

5 D. This Section does not prohibit a parish or municipality from
 6 recovering reasonable costs associated with reviewing and issuing a building
 7 permit.

8 E. A parish or municipality may not impose a fine, penalty, or other
 9 requirement that has the effect of restricting a utility provider's authority to
 10 operate or serve customers.

11 F. This Section does not affect the authority of a parish or municipality
 12 to manage the public highways within the its boundaries or to exercise its police
 13 powers to review and approve an application before issuing a permit to perform
 14 work in the public highways or to enforce associated permit conditions.

15 G. This Section does not affect the authority of a parish or municipality
 16 to manage or operate a publicly-owned utility.

17 H. For the purposes of this Section, "utility service" means natural gas
 18 provided to an end user.

19 I. The provisions of this Section shall supersede any contrary provision
 20 of law.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jerry J. Guillot.

SB 492 Original

DIGEST
2020 Regular Session

Cathey

Proposed law, relative to the regulation of the use of natural gas as a utility service, provides the regulation of a utility provider's authority to operate and serve customers is a matter of statewide concern. Provides that no code, ordinance, land use restriction or general or specific plan provision or part of a code, ordinance, land use regulation or general or specific plan provision adopted by a parish or municipality may prohibit or have the effect of restricting a person's or entity's ability to use the services of a utility provider that is capable and authorized to provide the utility service at a person's or entity's property.

Provides that a parish or municipality may not deny a permit application based on the utility provider proposed to provide utility service to the project.

Provides that a parish or municipal issuing a building permit shall ensure that all applicable permits and associated fees assessed on a building permit applicant contain requirements and amounts that do not exceed the requirements and amounts for use of other utility providers and do not have the effect of restricting a permit applicant's ability to use the services of a utility provider that is capable and authorized to provide utility service. Provides that proposed law does not prohibit a parish or municipality from recovering reasonable costs associated with reviewing and issuing a building permit.

Provides that a parish or municipality may not impose a fine, penalty, or other requirement that has the effect of restricting a utility provider's authority to operate or serve customers.

Provides that proposed law does not affect the authority of a parish or municipality to manage the public highways within the its boundaries or to exercise its police powers to review and approve an application before issuing a permit to perform work in the public highways or to enforce associated permit conditions.

Provides that proposed law does not affect the authority of a parish or municipality to manage or operate a publicly-owned utility.

Defines, "utility service" as natural gas provided to an end user.

Provides that proposed law shall supersede any contrary provision of law.

Effective August 1, 2020.

(Adds R.S. 40:1730.21.1)