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

DIGEST

SB 492 Original 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)