

SENATE BILL NO. 492

BY SENATOR CATHEY AND REPRESENTATIVE THOMPSON

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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 municipality 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.

D. This Section does not prohibit a parish or municipality from recovering reasonable costs associated with reviewing a building permit, issuing a building permit, and performing inspections to verify code compliance.

E. A parish or municipality may not impose a fine, penalty, or other

1 requirement that has the effect of restricting a utility provider's authority to
2 operate or serve customers.

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

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

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

11 I. The provisions of this Section shall supersede any contrary provision
12 of law.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____