

2022 Regular Session

HOUSE BILL NO. 355

BY REPRESENTATIVE CHARLES OWEN

MUNICIPAL/ORDINANCES: Prohibits municipalities from enacting certain regulations relative to fuel retailers and transportation infrastructure

1 AN ACT

2 To enact R.S. 33:32, relative to fuel retailers and transportation infrastructure; to provide for
3 state preemption relative to fuel retailers and transportation infrastructure; to prohibit
4 local governmental subdivisions from enacting ordinances or other provisions
5 prohibiting the siting, development, or redevelopment of fuel retailers or related
6 transportation infrastructure; to provide for definitions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:32 is hereby enacted to read as follows:

10 §32. Fuel retailers and related transportation infrastructure; state preemption

11 A. As used in this Section, the following terms have the following meanings:

12 (1) "Fuel retailer" means a fuel station or retail establishment that sells fuel
13 to provide power to vehicles.

14 (2) "Related transportation infrastructure" means storage tanks, pipelines, or
15 any related equipment that is necessary to deliver fuel to a fuel retailer or dispense
16 fuel at a fuel retailer.

17 B. A municipality, parish, local governmental entity, or governing authority
18 of any group or association, private or public, having jurisdiction over a specific
19 geographic area shall not adopt and is preempted by the state from adopting a law,
20 an ordinance, a regulation, a policy, a directive, an executive order, or a resolution

1 that prohibits the siting, development, or redevelopment of a fuel retailer, including
 2 a gas station, or the related transportation infrastructure that is necessary to provide
 3 fuel to a fuel retailer within the entirety of the jurisdictional boundary of the
 4 municipality, parish, local governmental entity, or public or private governing
 5 authority within the appropriate zoning classification of each applicable entity.

6 C. Nothing in this Section shall preempt a municipality, parish, local
 7 governmental entity, or governing authority of any group or association, private or
 8 public, having jurisdiction over a specific geographic area from further defining and
 9 regulating fuel retailers or related transportation infrastructure.

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)]

HB 355 Engrossed

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Abstract: Preempts parishes, municipalities, other local governmental entities, and public and private groups from adopting regulations that would have the effect of prohibiting the siting, development, or redevelopment of fuel retailers or necessary related transportation infrastructure for providing fuel to fuel retailers.

Proposed law preempts parishes, municipalities, other local governmental entities, and public and private groups from adopting ordinances, policies, resolutions, directives, executive orders, and other regulations that prohibit the siting, development, or redevelopment of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to fuel retailers within the entirety of their jurisdictional boundaries within the appropriate zoning classification of each entity.

Proposed law defines "fuel retailer" as a fuel station or retail establishment that sells fuel. Defines "related transportation infrastructure" as storage tanks, pipelines, or related equipment necessary to deliver fuel to a fuel retailer.

Proposed law provides that nothing in proposed law preempts a parish, municipality, other local governmental entity, or any public or private group having jurisdiction over a specific geographic area from further defining and regulating fuel retailers or related transportation infrastructure.

(Adds R.S. 33:32)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Prohibit the adoption of any directive or executive order that prohibits the siting, development, or redevelopment of a fuel retailer or related transportation infrastructure.

2. Remove provisions that prohibit the adoption of ordinances and other regulations that result in defacto prohibition of a fuel retailer or related transportation infrastructure.
3. Remove provisions that prohibit requiring a fuel retailer to install or invest in a particular kind of fueling infrastructure.
4. Remove provisions that authorize the adoption of ordinances and other regulations that are not inconsistent with state law regarding the siting, development, or redevelopment of a fuel retailer or related transportation infrastructure.
5. Add provisions that authorize parishes, municipalities, other local governmental entities, and public and private groups to further define and regulate fuel retailers and related transportation infrastructure.