

SENATE BILL NO. 354

BY SENATOR CATHEY

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AN ACT

To enact Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1611, and to enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3051 through 3053, relative to the sale and transport of propane and other fuels; to provide for the sale, transportation, and acceptance of propane and other fuels to individuals in affected areas during a declared natural disaster; to provide relative to consumer access to certain energy types; to prohibit the adoption of local ordinances limiting access to certain energy types; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1611, and Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3051 through 3053, are hereby enacted to read as follows:

CHAPTER 17-A. SALE, TRANSPORTATION, AND ACCEPTANCE OF FUEL

§1611. Sale, transportation, and acceptance of fuel following a natural disaster

A. Notwithstanding any other provision of law to the contrary, following a disaster or emergency declared in accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., and upon written authorization from the secretary of the Department of Transportation and Development, the diversion, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquified petroleum gas, motor fuel, special fuel, gasohol, liquified natural gas, and other types of fuel, across jurisdictional boundaries within this state shall not be restricted or prohibited when needed for disaster recovery, including but not limited to supplying fuel to generators,

1 motor vehicles, homes and other resources to provide electricity, heat, light,
 2 meals, and other necessities to persons in affected areas.

3 B. This provision shall not be construed as waiving any mandatory
 4 federal law, nor as creating any exception thereto, to the extent that any such
 5 law may be applicable to the transport of commodities described in this Section.

6 * * *

7 CHAPTER 49. LOUISIANA CONSUMER FUEL CHOICE ACT

8 §3051. Short title

9 This Chapter shall be known and may be cited as the "Louisiana
 10 Consumer Fuel Choice Act".

11 §3052. Energy type; defined

12 For the purposes of this Chapter, "energy type" includes aviation fuel,
 13 biofuel, compressed natural gas, diesel, electricity to be utilized for the charging
 14 of electric vehicles, gasoline, gas distillates, hydrogen, liquified petroleum gas,
 15 and renewable diesel.

16 §3053. Consumer access; prohibitions

17 A. No local governing authority shall adopt an ordinance, rule, or law
 18 that limits consumer access to an energy type or that results in the prohibition
 19 of a wholesaler, retailer, energy producer, or the related infrastructure
 20 necessary to provide consumer access to a specific energy type within the
 21 jurisdiction of the local governing authority.

22 B. Nothing in this Chapter shall be construed to restrict, impair, or
 23 diminish the regulatory authority of the Louisiana Energy and Power
 24 Authority, a municipally owned electric system, the Louisiana Public Service
 25 Commission in accordance with Article IV, Section 21 of the Constitution of
 26 Louisiana, or any governing authority of a political subdivision that regulates
 27 a public utility in accordance with Article IV, Section 21 of the Constitution of
 28 Louisiana.

29 Section 2. It is the intent of the legislature that the provisions of this Act shall apply
 30 both retroactively and prospectively. It is further the intent of the legislature that any

1 ordinance, rule, or law by local governing authority described in Section 1 of this Act shall
2 be void ab initio.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____