

2022 Regular Session

SENATE BILL NO. 354

BY SENATOR CATHEY

COMMERCIAL REGULATIONS. Provides for the "Louisiana Consumer Fuel Choice Act". (gov sig)

1 AN ACT

2 To enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3051 through 3053, relative to consumer access to certain energy types;
4 to prohibit the adoption of local ordinances limiting access to certain energy types;
5 to provide for definitions; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 51:3051 through 3053, is hereby enacted to read as follows:

10 **CHAPTER 49. LOUISIANA CONSUMER FUEL CHOICE ACT**

11 **§3051. Short Title**

12 **This Chapter shall be known and may be cited as the "Louisiana**
13 **Consumer Fuel Choice Act".**

14 **§3052. Energy type; defined**

15 **For the purposes of this Chapter, "energy type" includes aviation fuel,**
16 **biofuel, compressed natural gas, diesel, electricity to be utilized for the charging**
17 **of electric vehicles, gasoline, gas distillates, hydrogen, liquified petroleum gas,**

1 **and renewable diesel.**

2 **§3053. Consumer access; prohibitions**

3 **A. No local governing authority shall adopt an ordinance, rule, or law**
 4 **that limits consumer access to an energy type or that results in the prohibition**
 5 **of a wholesaler, retailer, energy producer, or the related infrastructure**
 6 **necessary to provide consumer access to a specific energy type within the**
 7 **jurisdiction of the local governing authority.**

8 **B. Nothing in this Chapter shall be construed to restrict, impair, or**
 9 **diminish the regulatory authority of the Louisiana Energy and Power**
 10 **Authority, a municipally owned electric system, the Louisiana Public Service**
 11 **Commission in accordance with Article IV, Section 21 of the Constitution of**
 12 **Louisiana, or any governing authority of a political subdivision that regulates**
 13 **a public utility in accordance with Article IV, Section 21 of the Constitution of**
 14 **Louisiana.**

15 Section 2. It is the intent of the legislature that the provisions of this Act shall apply
 16 both retroactively and prospectively. It is further the intent of the legislature that any
 17 ordinance, rule, or law by local governing authority described in Section 1 of this Act shall
 18 be void ab initio.

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

The original instrument was prepared by Curry J. Lann. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Xavier Alexander.

SB 354 Engrossed DIGEST
 2022 Regular Session

Cathey

Proposed law establishes the "Louisiana Consumer Fuel Choice Act".

Proposed law defines "energy type" to include aviation fuel, biofuel, compressed natural gas,
 diesel, electricity to be utilized for the charging of electric vehicles, gasoline, gas distillates,

hydrogen, liquified petroleum gas, and renewable diesel.

Proposed law provides that no local governing authority shall adopt an ordinance, rule, or law that limits consumer access to an energy type or that results in the prohibition of a wholesaler, retailer, energy producer, or the related infrastructure that is necessary to provide consumer access to a specific energy type within the local governing authority.

Proposed law prohibits construing any provision of proposed law to restrict, impair, or diminish the regulatory authority of the Louisiana Energy and Power Authority, a municipally owned electric system, the Louisiana Public Service Commission, or of any governing authority of a political subdivision that regulates a public utility in accordance with Const. Art. IV, Section 21.

Proposed law provides for retroactive and prospective application.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 51:3051-3053)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Adds proposed law shall not be construed to restrict, impair, or diminish the regulatory authority of the Louisiana Energy and Power Authority.