

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

ENVIRONMENT: Provides for beneficial projects in settlements of Right-to-Know Law violations

DIGEST

Present law provides for the Right-to-Know Law that requires, in addition to other provisions, owners and operators to notify the Dept. of Public Safety and Corrections, emergency response entities, and employees of hazardous material stored at their facility and to report releases of such materials. Present law provides for civil penalties for violations of the Right-to-Know Law.

Proposed law retains present law.

Present law requires civil penalties to be deposited into the Right-to-Know Fund.

Proposed law authorizes the department to enter into settlements of civil penalty assessments that allow the respondent to perform beneficial emergency planning, preparedness, and response projects or provide for the payment of a cash penalty to the state, or both.

Proposed law provides that such settlements shall be considered a civil penalty for tax purposes.

Proposed law requires such settlements be submitted along with the underlying enforcement action, a description of the project, and justification for the settlement to the attorney general for approval or rejection. Proposed law requires any approval or rejection to be in writing and, if rejected, include written reasons for the rejection.

Proposed law requires the attorney general to request additional information within 30 days of the request of his review and requires the information to be provided by the department within 30 days of his request.

Proposed law authorizes the department to execute the settlement without the approval of the attorney general if a notice of rejection is not given to the department within 90 days of the attorney general receiving the settlement.

Proposed law defines a "beneficial emergency planning, preparedness, and response project" as a project that the respondent is not otherwise legally required to perform but which the respondent agrees to undertake as a component of a settlement of a civil penalty assessment and provides assistance to a responsible state or local emergency planning, preparedness, or response entity. Projects shall enable such entity to further fulfill its obligations to collect information to assess the dangers of hazardous materials present in a response situation, to develop emergency plans or procedures, to train emergency response personnel, and to better respond to emergency situations.

Proposed law provides that beneficial emergency planning, preparedness, and response projects may include providing computers and software, communication systems, chemical emission detection and inactivation equipment, and hazardous materials equipment and training.

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

(Adds R.S. 30:2373(G))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added a review process by the attorney general to approve or reject settlements.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Environmental Quality to the reengrossed bill

1. Adds a definition provision that actions arising from a project that is "a benefit" to emergency planning, preparedness, or a responsible entity, shall be considered a civil penalty for tax purposes.
2. Adds provision that emergency personnel from local entities in order to better respond to emergency situations, including threats of communities from hurricanes or other natural disasters and be trained to better respond to emergency situations, including threats of communities from hurricanes or other natural disasters.