

Regular Session, 2014

HOUSE BILL NO. 920

BY REPRESENTATIVE ST. GERMAIN

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

1 AN ACT

2 To enact R.S. 30:2373(G), relative to the Hazardous Materials Information Development,
3 Preparedness, and Response Act; to provide for the Right-to-Know Law; to provide
4 for settlements of civil penalties assessments; to provide for beneficial emergency
5 planning, preparedness, and response projects; to provide for an effective date; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2373(G) is hereby amended and reenacted to read as follows:

9 §2373. Failure to report; penalties

10 * * *

11 G.(1) Notwithstanding the provisions of R.S. 30:2380 to the contrary, the
12 department may enter into settlements of civil penalty assessments that allow the
13 respondent to perform beneficial emergency planning, preparedness, and response
14 projects or provide for the payment of a cash penalty to the state, or both. Such
15 settlements shall be considered a civil penalty for tax purposes.

16 (2) For purposes of this Subsection, a "beneficial emergency planning,
17 preparedness, and response project" means a project that the respondent is not
18 otherwise legally required to perform but which the respondent agrees to undertake
19 as a component of a settlement of a civil penalty assessment under this Section; and
20 a project that provides assistance to a responsible state or local emergency planning,

1 preparedness, or response entity. Beneficial emergency planning, preparedness, and
 2 response projects shall enable such entity to further fulfill its obligations to collect
 3 information to assess the dangers of hazardous materials present in a response
 4 situation, to develop emergency plans or procedures, to train emergency response
 5 personnel, and to better respond to emergency situations. Such projects may include
 6 providing computers and software, communication systems, chemical emission
 7 detection and inactivation equipment, and hazardous materials equipment and
 8 training.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

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)]

St. Germain

HB No. 920

Abstract: Provides for beneficial emergency planning, preparedness, and response projects as a component to a settlement of a civil penalty assessment for violations of the Right-to-Know Law.

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 a 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 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 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))