

Regular Session, 2014

SENATE BILL NO. 407

BY SENATOR WALSWORTH

ENVIRONMENTAL QUALITY. Provides for preemption under the Right-to-Know Law.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 30:2379(A), relative to the Right-to-Know Law; to provide for  
3 preemptions under the Right-to-Know Law; to provide for the preemption of certain  
4 ordinances, laws, and regulations relative to hazardous materials reporting; to  
5 provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2379(A) is hereby amended and reenacted to read as follows:

8 §2379. Preemption

9 A. No local governing authority, municipality, parish, or other local  
10 governmental entity may enact, adopt, or enforce an ordinance, law, or regulation  
11 relative to hazardous materials reporting or any other provisions of this Chapter,  
12 **including, without limitation, facility emergency response plans, risk**  
13 **management plans, and radio communications or reporting,** except as otherwise  
14 specifically authorized by state law. However, if reporting requirements to agencies  
15 in the federal government under federal law conflict with reporting requirements  
16 under this Chapter, the affected entities shall file those reports. This Chapter shall  
17 have prospective effect only.

1 \* \* \*

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Margaret M. Corley.

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DIGEST

Walsworth (SB 407)

Present law provides for preemptions against a local governing authority, municipality, parish, or other local governmental entity enacting, adopting, or enforcing an ordinance, law, or regulation regarding hazardous materials reporting or any provision of the Right-to-Know Law.

Proposed law retains present law and adds facility emergency response plans, risk management plans, and radio communications or reporting to those items preempted from enactment, adoption, or enforcement.

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

(Amends R.S. 30:2379(A))