
DIGEST

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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))