

Existing 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. Existing law provides for civil penalties for violations of the Right-to-Know Law.

Prior law required civil penalties to be deposited into the Right-to-Know Fund.

New 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.

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

New 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. New law requires any approval or rejection to be in writing and, if rejected, include written reasons for the rejection.

New 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.

New 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.

New 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 or benefit to a responsible state or local emergency planning, preparedness, or response entity. Projects are required to 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, and to train emergency response personnel to better respond to emergency situations, including hurricanes or other natural disasters.

New 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 (June 19, 2014).

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