

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 review by the attorney
6 general; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2373(G) is hereby enacted 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)(a) Any settlement provided for in this Section that allows the respondent
17 to perform a beneficial emergency planning, preparedness, and response project shall
18 be submitted to the attorney general for his approval or rejection. The settlement
19 shall be accompanied by the underlying enforcement action, a description of the
20 beneficial emergency planning, preparedness, and response project that is an element

1 of such settlement, and a justification for the settlement. Approval or rejection by the
2 attorney general of any settlement shall be in writing and include, if rejected, a
3 detailed written reason for rejection.

4 (b) Reasons for rejection shall be failure of the department to follow and
5 adhere to the Right-to-Know Law, the regulations promulgated thereunder, or any
6 other constitutional, statutory, or regulatory provisions.

7 (c) The attorney general shall make any request for additional information
8 concerning the terms and condition of the settlement within thirty days of receiving
9 the request for approval or rejection. Within thirty days of a request for additional
10 information by the attorney general, the department shall provide its responses to
11 such request.

12 (d) The department may execute the proposed settlement without the
13 approval of the attorney general if the attorney general does not give written notice
14 to the department of his rejection of the settlement within ninety days after receiving
15 the proposed settlement.

16 (3) 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 that the respondent agrees to undertake as
19 a component of a settlement of a civil penalty assessment under this Subsection; and
20 a project that provides assistance to a responsible state or local emergency planning,
21 preparedness, or response entity. Beneficial emergency planning, preparedness, and
22 response projects shall enable such entity to further fulfill its obligations to collect
23 information to assess the dangers of hazardous materials present in a response
24 situation, to develop emergency plans or procedures, to train emergency response
25 personnel, and to better respond to emergency situations. Such projects may include
26 providing computers and software, communication systems, chemical emission
27 detection and inactivation equipment, and hazardous materials equipment and
28 training.

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