

ACT No. 799

Regular Session, 2014

HOUSE BILL NO. 920

BY REPRESENTATIVE ST. GERMAIN

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

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

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

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

13 **(3) For purposes of this Subsection, a "beneficial emergency planning,**
14 **preparedness, and response project" means a project that the respondent is not**
15 **otherwise legally required to perform but that the respondent agrees to undertake as**
16 **a component of a settlement of a civil penalty assessment under this Subsection; and**
17 **a project that provides assistance or a benefit to a responsible state or local**
18 **emergency planning, preparedness, or response entity. Beneficial emergency**
19 **planning, preparedness, and response projects shall enable such entity to further**
20 **fulfill its obligations to collect information to assess the dangers of hazardous**
21 **materials present in a response situation, to develop emergency plans or procedures,**
22 **to train emergency response personnel, and shall allow the respondent or state or**
23 **local entity to better respond to emergency situations, including threats to**
24 **communities from hurricanes or other natural disasters. Such projects may include**
25 **providing computers and software, communication systems, chemical emission**
26 **detection and inactivation equipment, and hazardous materials equipment and**
27 **training.**

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____