

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 158

BY REPRESENTATIVE TERRY LANDRY

A CONCURRENT RESOLUTION

To create the Hazardous Material Release Task Force to study and make recommendations to the legislature on the application of laws relative to the release of hazardous materials by persons in similar situations.

WHEREAS, Act No. 83 of the 1979 Regular Session of the Legislature authorized the Department of Public Safety and Corrections, office of state police, to oversee compliance governing the transportation, storage, and manufacturing of hazardous materials in Louisiana; and

WHEREAS, the legislation specifically directed the Department of Public Safety and Corrections, office of state police, to provide emergency response to chemical releases at industrial sites or sites related to transportation throughout the state; and

WHEREAS, the Department of Public Safety and Corrections, office of state police, is tasked with enforcing criminal and civil infractions of the laws governing hazardous materials; and

WHEREAS, two sets of laws govern the release of hazardous materials into the environment: the "Right-to-Know" law, R.S. 30:2361 through 2380 and the Hazardous Materials Transportation and Motor Carrier Safety law, R.S. 32:1501 through 1526; and

WHEREAS, the "Right-to-Know" law requires persons engaged in business or research operations which use, manufacture, emit, or store a hazardous material at a facility to be responsible for immediately reporting releases of certain hazardous materials in certain reportable quantities; and

WHEREAS, the "Right-to-Know" law provides that a civil penalty is not assessed to an owner or operator based on any incident or release that was not required to be reported and that was reported by the owner or operator as a courtesy; and

WHEREAS, carriers, common carriers, or contract carriers subject to the provisions of the Hazardous Materials Transportation and Motor Carrier Safety law can be subject to a civil penalty or fine for a self-reported release of hazardous materials that is not of a reportable quantity; and

WHEREAS, a question of equity has arisen surrounding these laws and the assessment of fines or penalties to carriers, common carriers, or contract carriers when owners or operators would not be subject to such fines in similar situations; and

WHEREAS, the Legislature of Louisiana recognizes the need to protect its citizens from dangers presented by hazardous materials, but also recognizes the need for these laws to allow for fines and civil penalties to be assessed in a fair and equitable manner.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby create the Hazardous Material Release Task Force to do the following:

(1) Review and study the application of the "Right-to-Know" Law, R.S. 30:2361 through 2380, and the Hazardous Materials Transportation and Motor Carrier Safety law, R.S. 32:1501 through 1526, and any administrative rules promulgated pursuant to either.

(2) Identify resolutions for any potential conflicts in these laws and administrative rules.

(3) Propose guidelines for the assessment of penalties or fines when the persons subject to either of these laws are similarly situated.

BE IT FURTHER RESOLVED that the Hazardous Material Release Task Force shall be composed of the following members:

(1) The superintendent of the office of state police, or his designee.

(2) The secretary of the Department of Environmental Quality, or her designee.

(3) The chairman of the House Committee on Transportation, Highways and Public Works, or her designee.

(4) The chairman of the Senate Committee on Transportation, Highways and Public Works, or his designee.

(5) The chairman of the House Committee on Natural Resources and Environment, or his designee.

(6) The chairman of the Senate Committee on Environmental Quality, or his designee.

- (7) A designee of the Louisiana Motor Transport Association.
- (8) A designee of the Louisiana Railroad Association.
- (9) A designee of the Louisiana Gas Association.
- (10) A designee of the Louisiana Chemical Association.
- (11) A designee of the Louisiana Mid-Continent Oil and Gas Association.
- (12) A designee of the Louisiana Farm Bureau Federation.
- (13) A designee of the Professional Firefighters Association of Louisiana, Inc.
- (14) A designee of the Louisiana Fire Chiefs Association.
- (15) A designee of the Louisiana AFL-CIO.

BE IT FURTHER RESOLVED that each of the persons or entities named above shall submit the name of the person's or entity's designee to the chairman of the task force on or before July 15, 2015.

BE IT FURTHER RESOLVED that the task force shall convene no later than August 15, 2015, and the task force shall be chaired by the superintendent of state police, or his designee, who shall be responsible for calling all meetings. The task force shall be staffed by the Department of Public Safety and Corrections, office of state police, and the Department of Environmental Quality. The majority of the total membership shall constitute a quorum and any official action of the task force shall require a vote of a majority of the quorum present and voting.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except per diem or expense reimbursement to which they may be individually entitled as members of their respective organizations.

BE IT FURTHER RESOLVED that the task force shall report its findings, together with recommendations for action, to the House Committee on Transportation, Highways and Public Works, the Senate Committee on Transportation, Highways and Public Works, the House Committee on Natural Resources and Environment, and the Senate Committee on Environmental Quality, the speaker of the House of Representatives, and the president of the Senate by January 8, 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the chairman of the Senate Committee on Transportation, Highways and Public Works, the chairman of the House Committee on Transportation, Highways and Public Works, the

chairman of the House Committee on Natural Resources and Environment, the chairman of the Senate Committee on Environmental Quality, the superintendent of the office of state police, the secretary of the Department of Environmental Quality, the Louisiana Motor Transport Association, the Louisiana Railroad Association, the Louisiana Gas Association, the Louisiana Chemical Association, the Louisiana Mid-Continent Oil and Gas Association, and the Louisiana Farm Bureau Federation.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE