

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 158

BY REPRESENTATIVE TERRY LANDRY

MTR VEHICLE/COMMERCIAL: Creates the Hazardous Material Release Task Force

1 A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (7) A designee of the Louisiana Motor Transport Association.

6 (8) A designee of the Louisiana Railroad Association.

7 (9) A designee of the Louisiana Gas Association.

8 (10) A designee of the Louisiana Chemical Association.

9 (11) A designee of the Louisiana Mid-Continent Oil and Gas Association.

10 (12) A designee of the Louisiana Farm Bureau Federation.

11 (13) A designee of the Professional Firefighters Association of Louisiana, Inc.

12 (14) A designee of the Louisiana Fire Chiefs Association.

13 (15) A designee of the Louisiana AFL-CIO.

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

17 BE IT FURTHER RESOLVED that the task force shall convene no later than August
18 15, 2015, and the task force shall be chaired by the superintendent of state police, or his
19 designee, who shall be responsible for calling all meetings. The task force shall be staffed
20 by the Department of Public Safety and Corrections, office of state police, and the
21 Department of Environmental Quality. The majority of the total membership shall constitute
22 a quorum and any official action of the task force shall require a vote of a majority of the
23 quorum present and voting.

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

27 BE IT FURTHER RESOLVED that the task force shall report its findings, together
28 with recommendations for action, to the House Committee on Transportation, Highways and
29 Public Works, the Senate Committee on Transportation, Highways and Public Works, the
30 House Committee on Natural Resources and Environment, and the Senate Committee on

1 Environmental Quality, the speaker of the House of Representatives, and the president of the
2 Senate by January 8, 2016.

3 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
4 chairman of the Senate Committee on Transportation, Highways and Public Works, the
5 chairman of the House Committee on Transportation, Highways and Public Works, the
6 chairman of the House Committee on Natural Resources and Environment, the chairman of
7 the Senate Committee on Environmental Quality, the superintendent of the office of state
8 police, the secretary of the Department of Environmental Quality, the Louisiana Motor
9 Transport Association, the Louisiana Railroad Association, the Louisiana Gas Association,
10 the Louisiana Chemical Association, the Louisiana Mid-Continent Oil and Gas Association,
11 and the Louisiana Farm Bureau Federation.

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)]

HCR 158 Reengrossed

2015 Regular Session

Terry Landry

Creates the Hazardous Material Release Task Force to 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 provision of law, identify resolutions for any potential conflicts in these laws and administrative rules, and propose guidelines for the assessment of penalties or fines when the persons subject to either of these laws are similarly situated.

Specifies that the Hazardous Material Release Task Force shall be composed of the following persons:

- (1) The superintendent of the office of state police, or his designee.
- (2) The secretary of the Dept. 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 Railroads 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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

- 1. Add a designee of the Professional Firefighters Association of Louisiana, Inc., and a designee of the Louisiana Fire Chief Association to the Hazardous Material Release Task Force.

The House Floor Amendments to the engrossed bill:

- 1. Add a designee of the Louisiana AFL-CIO to the Hazardous Material Release Task Force.
- 2. Change the date the Hazardous Material Release Task Force reports its finding and recommendations 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 from February 1, 2016 to January 8, 2016.