

HOUSE JOINT RESOLUTION NO. 39  
INTRODUCED BY G. GUTSCHE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO ANALYZE THE TRANSPORTATION OF HAZARDOUS MATERIALS THROUGHOUT THE STATE OF MONTANA; REQUESTING THAT THE APPROPRIATE INTERIM COMMITTEE MAKE RECOMMENDATIONS TO THE 59TH LEGISLATURE TO CREATE AND IMPLEMENT A FEE SYSTEM FOR TRANSPORT OF HAZARDOUS MATERIALS IN AND THROUGH THE STATE OF MONTANA AND TO CREATE A HAZARDOUS MATERIALS TRANSPORTATION SAFETY FUND; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, hazardous materials are chemicals that have been identified as harmful or potentially harmful and are a risk to the citizens of Montana; and

WHEREAS, hazardous materials are common components in many products used daily by communities for a variety of purposes; and

WHEREAS, thousands of hazardous materials are transported throughout the State of Montana each day; and

WHEREAS, roadways and railways are the most common sites for releases of hazardous materials; and

WHEREAS, hazardous material accidents can occur anywhere, which makes any area in Montana, rural or urban, vulnerable to an accident; and

WHEREAS, currently, secure and direct state funding to support the six regional emergency response teams, operating under the State Emergency Response Commission, for training, equipment, and exercises does not exist; and

WHEREAS, the events of September 11, 2001, illustrated the need to be prepared for unexpected catastrophic events to protect human health and safety; and

WHEREAS, federal funding from the Homeland Security Act of 2002 may in the future offer supplemental financial support of emergency response, but this funding is not certain, secured, or guaranteed for any particular purpose; and

WHEREAS, in April of 1996, a train carrying a tank car of chlorine derailed near Alberton, Montana, which resulted in a spill of about 100,000 gallons of chlorine, one of the largest chlorine spills in U.S. history; and

WHEREAS, between the years of 1997 and 2003, there were 1,215 hazardous material incidents

reported to the Disaster and Emergency Services Division of the Department of Military Affairs; and

WHEREAS, the Disaster and Emergency Services Division of the Department of Military Affairs has identified hazardous materials as a high-risk hazard for the State of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) identify entities involved in the transportation of hazardous materials;
- (2) identify hazardous materials transported in and through the State of Montana;
- (3) evaluate the current state and federal resources available to protect public health and safety regarding hazardous materials accidents and emergency response;
- (4) evaluate other hazardous materials transport fee programs and funding mechanisms; and
- (5) make recommendations to the 59th Legislature to create and implement a fee system for transport of hazardous materials in and through Montana and to create a hazardous materials transportation safety fund in order to fund emergency response training and equipment.

BE IT FURTHER RESOLVED, that the study be conducted with the participation and involvement of hazardous material owners and transporters, persons or entities interested in and affected by the transport of hazardous materials in and through the State of Montana, appropriate federal agencies, the Department of Transportation, the Department of Environmental Quality, the Public Service Commission, and the Department of Military Affairs.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements and any educational materials, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

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