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State of Montana  
Office of the Governor

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Executive Order No. 26-94

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EXECUTIVE ORDER CONTINUING THE GOVERNOR'S  
HAZARDOUS MATERIALS TRANSPORTATION ADVISORY COUNCIL

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WHEREAS, the protection of our environment and citizens is important to every Montanan and requires constant review of preventive measures taken in the transport of hazardous materials; and

WHEREAS, the number of vehicles, including rail and air transporters, involved in the transportation of hazardous materials or hazardous waste through this state is on the increase; and

WHEREAS, the public health, safety and environment may be jeopardized when hazardous materials or hazardous waste are transported in an unsafe manner; and

WHEREAS, the problem of unsafe transportation of hazardous waste and hazardous materials and the potential of accidental release is a matter of statewide concern.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Constitution and the laws of the State of Montana,

1 including Section 2-15-122, MCA, do hereby establish the  
2 Governor's Hazardous Materials Transportation Advisory  
3 Council.

4 I. PURPOSE

5 A. The purpose of this council is to advise the  
6 Governor's Office and local and state governmental  
7 agencies in the following areas:

8 1. the effectiveness of existing regulation and the  
9 determination of any additional state regulation  
10 necessary to assure the safe operation in all modes of  
11 transportation involved in shipping hazardous materials  
12 and hazardous waste within this state;

13 2. the feasibility of developing a system capable of  
14 identifying and regulating transportation of hazardous  
15 materials and hazardous waste utilizing existing  
16 resources;

17 3. the protection of the health and safety of the  
18 public and the environment by reducing the risk of  
19 accidents through a safety inspection program for  
20 vehicles and companies which transport hazardous  
21 materials or waste;

22 ~~including~~ 4. the feasibility of implementing a centralized  
23 ~~licensing~~ program where carriers of hazardous materials or  
24 hazardous waste can obtain licenses, permits or  
25 information on current state regulations;

26 5. implementation of a proactive program that  
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1 concentrates on preventive safety measures to reduce the  
2 probability of accidental releases;

3 6. coordination between all state agencies regulating  
4 hazardous materials and hazardous waste with a minimum of  
5 duplication.

6 B. The Council shall work closely with the State Emergency  
7 Response Commission in coordinating action plans to fulfill  
8 their respective missions.

9 C. In carrying out these responsibilities, the Department of  
10 Transportation and the Department of Health and Environment  
11 Sciences are designated as lead agencies and are authorized to  
12 seek the cooperation of any executive agency or office of  
13 state government to supply necessary data, reports or other  
14 information to carry out the council's duties under this  
15 order. All agencies of the state are directed to the extent  
16 consistent with law, to reasonably cooperate with the council  
17 to furnish it with such information, personnel and assistance  
18 as necessary to accomplish the purpose of this order.

19 In addition, this council will have the authority to  
20 appoint people from state government, upon consultation with  
21 department directors, to serve on a technical committee under  
22 this council's chairman.

23 II. COMPOSITION

24 The names and addresses of members who shall serve at the  
25 pleasure of the Governor are submitted by separate letter to  
26 the Department of Transportation, the Department of Health and  
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Environmental Sciences and the Secretary of State.

The Council shall be co-chaired by a member representing the Department of Transportation and a member representing the Department of Health and Environmental Sciences.

III. DURATION

The Council shall exist for a period of two years from the effective date of this Order unless rescinded by subsequent Executive Order.

This Order is effective immediately.

Given under my hand and the GREAT SEAL of the State of Montana, this 13<sup>th</sup> day of December, 1994.

Marc Racicot  
MARC RACICOT, Governor

ATTEST:

Mike Cooney  
MIKE COONEY, Secretary of State