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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 1573

March 1, 2007

Authored by Clark

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A resolution

1.2 memorializing the Congress to block rules published by the Department of Homeland
1.3 Security that would preempt state authority to strengthen security at plants housing
1.4 hazardous chemicals.

1.5 WHEREAS, several hundred sites in Minnesota store, handle, and transport hazardous
1.6 chemicals, exposure to which can pose significant risks to health; and

1.7 WHEREAS, many of these facilities are located in densely populated areas, placing their
1.8 neighbors at risk from exposure to these chemicals; and

1.9 WHEREAS, the possibility of terrorist attacks on these facilities has increased dramatically
1.10 since September 11, 2001, posing a serious threat to public health, safety, and welfare; national
1.11 security; and the environment; and

1.12 WHEREAS, there are significant opportunities to implement actions designed to prevent
1.13 attacks against these sites and reduce the potential harm that would result from such attacks; and

1.14 WHEREAS, the Congress of the United States has failed to enact legislation to require
1.15 increased security measures to be taken at these facilities in order to significantly prevent or
1.16 reduce such threats; and

1.17 WHEREAS, the federal Department of Homeland Security published in the Federal
1.18 Register, on December 28, 2006, interim final rules that give the Department authority to preempt
1.19 state or local laws designed to strengthen security at these facilities, without having in place
1.20 effective federal requirements to do so; and

2.1 WHEREAS, implementation of those federal rules would prevent Minnesota and other
2.2 states from taking steps to protect their citizens from the effects of attacks against these sites;
2.3 NOW, THEREFORE,

2.4 BE IT RESOLVED by the Legislature of the State of Minnesota that Congress should act
2.5 quickly to prevent the implementation of the Department of Homeland's Security's interim final
2.6 rules published in the Federal Register, on December 28, 2006, and should enact comprehensive
2.7 legislation that requires these facilities to make themselves more secure from attack.

2.8 BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota
2.9 is directed to transmit copies of this memorial to the President and Secretary of the United
2.10 States Senate, the Speaker and Clerk of the United States House of Representatives, the chair
2.11 of the Senate Committee on Homeland Security and Governmental Affairs, the chair of the
2.12 Subcommittee on Transportation Safety, Infrastructure Security and Water Quality of the Senate
2.13 Committee on Environment and Public Works, the chair of the House Committee on Homeland
2.14 Security, the chair of the Subcommittee on Environment and Hazardous Materials of the House
2.15 Committee on Energy and Commerce, and Minnesota's Senators and Representatives in Congress.