

Senate BILL NO. 288

INTRODUCED BY *Walker*

BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT; TO ALLOCATE MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS; AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Asbestos control account. (1)

There is an asbestos control account in the state special revenue fund. There must be deposited in the account all money received from:

- (a) fees collected under this part; and
 - (b) civil penalties collected pursuant to 75-2-514.
- (2) Funds in the account are allocated to the

department for the purpose of funding the costs of implementing and operating the asbestos control program established under this part.

Section 2. Section 75-2-514, MCA, is amended to read:

"75-2-514. Criminal and civil penalties -- disposition of civil penalties. (1) The department may suspend, deny, or revoke the accreditation of or reprimand a person who:

- (a) fraudulently or deceptively obtains or attempts to obtain accreditation;
- (b) fails to meet the qualifications for accreditation or comply with the requirements of this part or any rule adopted by the department; or
- (c) fails to meet any applicable federal or state standard for asbestos projects.

(2) Notwithstanding the provisions of any other law, a person who purposely or knowingly violates any provision of this part or an adopted rule or order issued pursuant to this part is guilty of a misdemeanor.

(3) If the department determines that a violation of this part or a rule promulgated pursuant to this part has occurred, it may issue an order compelling the person receiving the order to end the violation immediately.

(4) In addition to or instead of the remedies listed in subsections (1) through (3), an accredited person who purposely or knowingly violates this part or a rule adopted pursuant to this part that concerns the conduct of an asbestos project may be assessed a civil penalty by the district court of not more than \$1,000 a day for an initial



-2- INTRODUCED BILL
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1 violation and \$5,000 a day for each subsequent violation
2 occurring within a 3-year period from the date of the
3 initial violation.

4 (5) A district court may assess a civil penalty of not
5 more than \$25,000 a day upon a person who engages in an
6 asbestos project without valid accreditation or a permit. In
7 the case of a continuing violation, each day the violation
8 continues constitutes a separate violation.

9 (6) Civil penalties collected under this part must be
10 deposited into the ~~resource-indemnity-trust-fund-created--in~~
11 ~~15-38-201~~ account established in [section 1]."

12 NEW SECTION. Section 3. Repealer. Section 75-2-512,
13 MCA, is repealed.

14 NEW SECTION. Section 4. Codification instruction.
15 [Section 1] is intended to be codified as an integral part
16 of Title 75, chapter 2, part 5, and the provisions of Title
17 75, chapter 2, part 5, apply to [section 1].

18 NEW SECTION. Section 5. Effective date. [This act] is
19 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0288, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to create an asbestos control account in the state special revenue; to require money received from the collection of certain fees and penalties to be deposited in the account; to allocate money in the account to the Department of Health and Environmental Sciences to fund asbestos control programs.

ASSUMPTIONS:

1. Expenditures currently budgeted from the Hazardous Waste/CERCLA account would be budgeted from the asbestos control account.

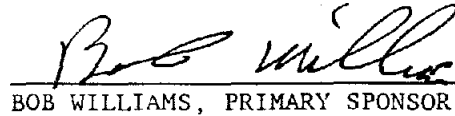
FISCAL IMPACT:

None.



ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

2-9-91
DATE



BOB WILLIAMS, PRIMARY SPONSOR

2/11/91
DATE

Fiscal Note for SB0288, as introduced.

SB 288

APPROVED BY COMM. ON
FINANCE AND CLAIMS

Senate BILL NO. 288

INTRODUCED BY Walters
BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

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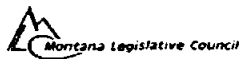
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