SENATE BILL NO. 288

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

IN THE SENATE

FEBRUARY 5, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.

FIRST READING.

- FEBRUARY 14, 1991 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 15, 1991 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 16, 1991

THIRD READING, PASSED.

AYES, 49; NOES, 0.

ENGROSSING REPORT.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 16, 1991

FEBRUARY 18, 1991

APRIL 4, 1991

APRIL 11, 1991

ON TAXATION. FIRST READING.

INTRODUCED AND REFERRED TO COMMITTEE

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

APRIL 12, 1991 THIRD READING, CONCURRED IN. AYES, 87; NOES, 11.

RETURNED TO SENATE.

IN THE SENATE

APRIL 13, 1991

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Semte BILL NO. 288 1 1 2 INTRODUCED BY // 2 3 BY REQUEST OF THE DEPARTMENT OF HEALTH 3 4 AND ENVIRONMENTAL SCIENCES 4 5 5 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS 6 7 CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND: TO 7 8 REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES 8 9 AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT: TO ALLOCATE 9 10 MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND 10 11 ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS; 11 12 AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512, 12 13 MCA; AND PROVIDING AN EFFECTIVE DATE." 13 14 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 16 NEW SECTION. Section 1. Asbestos control account. (1) 16 17 There is an asbestos control account in the state special 17 18 revenue fund. There must be deposited in the account all 18 19 money received from: 19 20 (a) fees collected under this part; and 20 21 (b) civil penalties collected pursuant to 75-2-514. 21 22 (2) Funds in the account are allocated the 22 to 23 department for the purpose of funding the costs of 23 24 implementing and operating the asbestos control program 24 25 established under this part. 25 district court of not more than \$1,000 a day for an initial N Montana Legislative Council

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 gualifications 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 quilty 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

> INTRODUCED BILL -2-SR 288

violation and \$5,000 a day for each subsequent violation
 occurring within a 3-year period from the date of the
 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 +5-38-20+ account established in [section 1]."

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

14NEW SECTION.Section 4. Codificationinstruction.15[Section 1] is intended to be codified as an integral part16of Title 75, chapter 2, part 5, and the provisions of Title1775, chapter 2, part 5, apply to [section 1].

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

-End-

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STATE OF MONTANA - FISCAL NOTE Form BD-15 In compliance with a written request, there is hereby submitted a Fiscal Note for SB0288, <u>as introduced</u>.

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.

DATE

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

BOB WILLIAMS, PRIMARY SPONSOR

DATE

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Fiscal Note for SB0288, as introduced.

58 288

APPROVED BY COMM. ON FINANCE AND CLAIMS

1	Senate BILL NO. 288			
2	INTRODUCED BY Wind Change			
3	BY REQUEST OF THE DEPARTMENT OF HEALTH			
4	AND ENVIRONMENTAL SCIENCES			
5				
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS			
7	CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO			
8	REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES			
9	AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT; TO ALLOCATE			
10	MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND			
11	ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS;			
12	AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512,			
13	MCA; AND PROVIDING AN EFFECTIVE DATE."			
14				
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:			

16 <u>NEW SECTION.</u> Section 1. Asbestos control account. (1) 17 There is an asbestos control account in the state special 18 revenue fund. There must be deposited in the account all 19 money received from:

20 (a) fees collected under this part; and

21 (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.

Montana Legislative Council

1	Section 2. Section 75-2-514, MCA, is amended to read:			
2	"75-2-514. Criminal and civil penalties disposition			
3	of civil penalties. (1) The department may suspend, deny, or			
4	revoke the accreditation of or reprimand a person who:			
5	(a) fraudulently or deceptively obtains or attempts to			
6	obtain accreditation;			
7	(b) fails to meet the qualifications for accreditation			
8	or comply with the requirements of this part or any rule			
9	adopted by the department; or			
10	(c) fails to meet any applicable federal or state			
11	standard for asbestos projects.			
12	(2) Notwithstanding the provisions of any other law, a			
13	person who purposely or knowingly violates any provision of			
14	this part or an adopted rule or order issued pursuant to			
15	this part is guilty of a misdemeanor.			
16	(3) If the department determines that a violation of			
17	this part or a rule promulgated pursuant to this part has			
18	occurred, it may issue an order compelling the person			
19	receiving the order to end the violation immediately.			
20	(4) In addition to or instead of the remedies listed in			
21	subsections (1) through (3), an accredited person who			
22	purposely or knowingly violates this part or a rule adopted			
23	pursuant to this part that concerns the conduct of an			
24	asbestos project may be assessed a civil penalty by the			
25	district court of not more than \$1,000 a day for an initial			
	SECOND READING			

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LC 1187/01

violation and \$5,000 a day for each subsequent violation
 occurring within a 3-year period from the date of the
 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 ±5-38-28± account established in [section 1]."

<u>NEW SECTION.</u> Section 3. Repealer. Section 75-2-512,
 MCA, is repealed.

<u>NEW SECTION.</u> Section 4. Codification instruction.
[Section 1] is intended to be codified as an integral part
of Title 75, chapter 2, part 5, and the provisions of Title
75, chapter 2, part 5, apply to [section 1].

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

-End-

Amt BILL NO. 288 1 INTRODUCED BY 2 3 BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS 7 CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO 8 REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES 9 AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT: TO ALLOCATE 10 MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND 11 ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS; 12 AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512, 13 MCA; AND PROVIDING AN EFFECTIVE DATE."

14

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5

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15

NEW SECTION. Section 1. Asbestos control account. (1) 16 17 There is an asbestos control account in the state special 18 revenue fund. There must be deposited in the account all 19 money received from:

20 (a) fees collected under this part; and

21 (b) civil penalties collected pursuant to 75-2-514.

22 (2) Funds in the account are allocated to the 23 department for the purpose of funding the costs of 24 implementing and operating the asbestos control program 25 established under this part.

ontana Legislative Council

LC 1187/01

1	Section 2. Section 75-2-514, MCA, is amended to read:			
2	"75-2-514. Criminal and civil penalties disposition			
3	of civil penalties. (1) The department may suspend, deny, or			
4	revoke the accreditation of or reprimand a person who:			
5	(a) fraudulently or deceptively obtains or attempts to			
6	obtain accreditation;			
7	(b) fails to meet the qualifications for accreditation			
8	or comply with the requirements of this part or any rule			
9	adopted by the department; or			
10	(c) fails to meet any applicable federal or state			
11	standard for asbestos projects.			
12	(2) Notwithstanding the provisions of any other law, a			
13	person who purposely or knowingly violates any provision of			
14	this part or an adopted rule or order issued pursuant to			
15	this part is guilty of a misdemeanor.			
16	(3) If the department determines that a violation of			
17	this part or a rule promulgated pursuant to this part has			
18	occurred, it may issue an order compelling the person			
19	receiving the order to end the violation immediately.			
20	(4) In addition to or instead of the remedies listed in			
21	subsections (1) through (3), an accredited person who			
22	purposely or knowingly violates this part or a rule adopted			
23	pursuant to this part that concerns the conduct of an			
24	asbestos project may be assessed a civil penalty by the			
25	district court of not more than \$1,000 a day for an initial			
	THIRD READING			
	SR 282			

violation and \$5,000 a day for each subsequent violation
 occurring within a 3-year period from the date of the
 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 15-30-201 account established in [section 1]."

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

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

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

-End-

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SB 0288/02

1	SENATE BILL NO. 288	1 Section 2. Secti	ion 75-2-514, MCA, is amended to read:
2	INTRODUCED BY WILLIAMS	2 "75-2-514. Crim	inal and civil penalties disposition
3	BY REQUEST OF THE DEPARTMENT OF HEALTH	3 of civil penalties.	(1) The department may suspend, deny, or
4	AND ENVIRONMENTAL SCIENCES	4 revoke the accredita	tion of or reprimand a person who:
5		5 (a) fraudulently	y or deceptively obtains or attempts to
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE AN ASBESTOS	6 obtain accreditation	;
7	CONTROL ACCOUNT IN THE STATE SPECIAL REVENUE FUND; TO	7 (b) fails to m	eet the qualifications for accreditation
8	REQUIRE MONEY RECEIVED FROM THE COLLECTION OF CERTAIN FEES	8 or comply with the r	equirements of this part or any rule
9	AND PENALTIES TO BE DEPOSITED IN THE ACCOUNT; TO ALLOCATE	9 adopted by the depar	tment; or
10	MONEY IN THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND	10 (c) fails to	meet any applicable federal or state
11	ENVIRONMENTAL SCIENCES TO FUND ASBESTOS CONTROL PROGRAMS;	11 standard for asbesto	s projects.
12	AMENDING SECTION 75-2-514, MCA; REPEALING SECTION 75-2-512,	12 (2) Notwithstan	ding the provisions of any other law, a
13	MCA; AND PROVIDING AN EFFECTIVE DATE."	13 person who purposel	y or knowingly violates any provision of
14		14 this part or an adop	ted rule or order issued pursuant to
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15 this part is guilty	of a misdemeanor.
16	NEW SECTION. Section 1. Asbestos control account. (1)	16 (3) If the de	partment determines that a violation of
17	There is an asbestos control account in the state special	17 this part or a rule	promulgated pursuant to this part has
18	revenue fund. There must be deposited in the account all	18 occurred, it may	issue an order compelling the person
19	money received from:	19 receiving the order	to end the violation immediately.
20	(a) fees collected under this part; and	20 (4) In addition	a to or instead of the remedies listed in
21	(b) civil penalties collected pursuant to 75-2-514.	21 subsections (1) th	rough (3), an accredited person who
22	(2) Funds in the account are allocated to the	22 purposely or knowing	ly violates this part or a rule adopted
23	department for the purpose of funding the costs of	23 pursuant to this	part that concerns the conduct of an
24	implementing and operating the asbestos control program	24 asbestos project may	be assessed a civil penalty by the
25	established under this part.	25 district court of r	not more than \$1,000 a day for an initial



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SB 288

SB 0288/02

SB 0288/02

violation and \$5,000 a day for each subsequent violation
 occurring within a 3-year period from the date of the
 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]."

<u>NEW SECTION.</u> Section 3. Repealer. Section 75-2-512,
 MCA, is repealed.

14NEW SECTION.Section 4. Codificationinstruction.15[Section 1] is intended to be codified as an integral part16of Title 75, chapter 2, part 5, and the provisions of Title1775, chapter 2, part 5, apply to [section 1].

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

-End-