

HOUSE BILL NO. 862

INTRODUCED BY SHONTZ, MENAHAN,  
WINSLOW, STORY, REGAN

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

IN THE HOUSE

February 15, 1983	Introduced and referred to Committee on Appropriations.
February 21, 1983	Committee recommend bill do pass as amended. Report adopted.
February 22, 1983	Bill printed and placed on members' desks.
February 23, 1983	Second reading, do pass.  Considered correctly engrossed.  Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 21, 1983	Committee recommend bill be concurrent in. Report adopted.
March 23, 1983	Second reading, pass consideration.
March 24, 1983	Statement of Intent attached.  Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 45; Noes, 1.

IN THE HOUSE

March 28, 1983

Returned to House with  
Statement of Intent.

April 4, 1983

Second reading, Statement of  
Intent concurred in.

April 5, 1983

Third reading, Statement of  
Intent concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *862*  
 2 INTRODUCED BY *J. Menasha*  
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS  
 6 RELATING TO LICENSING AND REGISTRATION OF RADIOACTIVE  
 7 MATERIALS AND DEVICES; AMENDING SECTIONS 75-3-202 AND  
 8 75-3-404, MCA; REPEALING SECTION 75-3-401, MCA; AND  
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 75-3-202, MCA, is amended to read:

13 "75-3-202. Licensing and registration. (1)---The  
 14 department shall provide by rule for general or specific  
 15 licensing of persons to receive, possess, or transfer  
 16 radioactive materials and devices or equipment utilizing  
 17 such materials. The rules shall provide for amendment,  
 18 suspension or revocation of licenses pursuant to 75-3-401  
 19 and 75-3-403.

20 (2)---Each application for a specific license shall be  
 21 in writing and shall state such information as the  
 22 department by rule may determine to be necessary to decide  
 23 the technical, insurance, and financial qualifications or  
 24 any other qualification of the applicant as the department  
 25 considers reasonable and necessary to protect the

1 occupational and public health and safety. The department  
 2 may at any time after the filing of the application and  
 3 before the expiration of the license require further  
 4 written statements and may make such inspections as the  
 5 department considers necessary in order to determine whether  
 6 the license should be granted, denied, modified, suspended,  
 7 or revoked. All applications and statements shall be signed  
 8 by the applicant or licensee. The department may require an  
 9 application or statement to be made under oath or  
 10 affirmation.

11 (3)---Each license shall be in such form and contain  
 12 such terms and conditions as the department may by rule  
 13 prescribe.

14 (4)---No license issued pursuant to the provisions of  
 15 this chapter and no right to possess or utilize sources of  
 16 ionizing radiation granted by any license may be assigned or  
 17 in any manner disposed of.

18 (5)---The terms and conditions of all licenses shall be  
 19 subject to amendment, revision, or modification by rules or  
 20 orders issued in accordance with the provisions of this  
 21 chapter.

22 (6) The department may require registration and  
 23 inspection of persons dealing with sources of ionizing  
 24 radiation which do not require a specific license and may  
 25 require compliance with specific safety standards to be

promulgated by the department.

~~{7} The department is authorized to exempt certain users from the licensing or registration requirements set forth in this section when the department makes a finding that the exemption of the users will not constitute a significant risk to the health and safety of the public.~~

~~{8} Rules promulgated pursuant to this chapter may provide for recognition of such other state or federal licenses as the department considers desirable subject to such registration requirements as the department prescribes.~~

Section 2. Section 75-3-404, MCA, is amended to read:

"75-3-404. Prohibited activity. ~~{1} No person shall acquire, own, possess, or use any radioactive byproduct material, source material, special nuclear materials, or other radioactive materials occurring naturally or produced artificially without having been granted a license therefor from the department or transfer to another or dispose of said materials without first having been granted approval of the department therefor in accordance with the administrative rules of the department.~~

~~{2} It shall be unlawful for any person to use, manufacture, produce, or knowingly transport, transfer, receive, acquire, own, or possess any source of ionizing radiation any device designed to produce x-radiation unless~~

such person is licensed by or registered with the department in accordance with the provisions of this chapter and rules issued hereunder."

~~NEW SECTION. Section 3. Repealer. Section 75-3-401, MCA, is repealed.~~

~~NEW SECTION. Section 4. Effective date. This act is effective on passage and approval.~~

-End-

Approved by Comm.  
on Appropriations

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4 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE  
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7 RELATING TO LICENSING AND REGISTRATION OF RADIOACTIVE  
8 MATERIALS AND DEVICES; AMENDING SECTIONS SECTION 75-3-202  
9 AND--75-3-404, MCA; REPEALING--SECTION--75-3-401--MCA; AND  
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE."  
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
13 (Refer to Introduced Bill)  
14 Strike everything after the enacting clause and insert:  
15 Section 1. Section 75-3-202, MCA, is amended to read:  
16 "75-3-202. Licensing and registration. (1) The  
17 department shall may provide by rule for general or specific  
18 licensing of persons to receive, possess, or transfer  
19 radioactive materials and devices or equipment utilizing  
20 such materials. The rules shall provide for amendment,  
21 suspension, or revocation of licenses pursuant to 75-3-401  
22 and 75-3-403.  
23 (2) Each application for a specific license shall be  
24 in writing and shall state such information as the  
25 department by rule may determine to be necessary to decide

1 the technical, insurance, and financial qualifications or  
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3 considers reasonable and necessary to protect the  
4 occupational and public health and safety. The department  
5 may, at any time after the filing of the application and  
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12 application or statement to be made under oath or  
13 affirmation.  
14 (3) Each license shall be in such form and contain  
15 such terms and conditions as the department may by rule  
16 prescribe.  
17 (4) No license issued pursuant to the provisions of  
18 this chapter and no right to possess or utilize sources of  
19 ionizing radiation granted by any license may be assigned or  
20 in any manner disposed of.  
21 (5) The terms and conditions of all licenses shall be  
22 subject to amendment, revision, or modification by rules or  
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9 significant risk to the health and safety of the public.

10 (8) Rules promulgated pursuant to this chapter may  
11 provide for recognition of such other state or federal  
12 licenses as the department considers desirable, subject to  
13 such registration requirements as the department  
14 prescribes."

15 NEW SECTION. Section 2. Effective date. This act is  
16 effective on passage and approval.

-End-

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-End-



March 24, 1983

COMMITTEE OF THE WHOLE AMENDMENT

That Statement of Intent be added to House Bill No. 862

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STATEMENT OF INTENT

A statement of intent is required for HB-862 because it affects the rulemaking and licensing authority of the Department of Health and Environmental Sciences relating to possession and use of radioactive materials and devices utilizing such materials. Under current law, 75-3-202, MCA, mandates the department to adopt rules for general or specific licensing of persons to receive, possess or transfer radioactive materials and devices utilizing such materials. However, because of budgetary constraints, the department has been unable to implement the licensing program. HB-862 would give the department the discretion to adopt and enforce such rules when legislative appropriations make program implementation possible.

## 1 STATEMENT OF INTENT

## 2 HOUSE BILL 862

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REFERENCE BILL

HB 862

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