

HOUSE BILL NO. 192

INTRODUCED BY RICE, HARPER

BY REQUEST OF THE DEPARTMENT  
OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
	FIRST READING.
JANUARY 23, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 24, 1989	PRINTING REPORT.
JANUARY 25, 1989	SECOND READING, DO PASS.
JANUARY 26, 1989	ENGROSSING REPORT.
JANUARY 27, 1989	THIRD READING, PASSED. AYES, 97; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 192  
2 INTRODUCED BY Rick Hays  
3 BY REQUEST OF THE DEPARTMENT  
4 OF HEALTH AND ENVIRONMENTAL SCIENCES  
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6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
7 OF HEALTH AND ENVIRONMENTAL SCIENCES TO ENJOIN AND COLLECT  
8 CIVIL PENALTIES FOR VIOLATIONS OF STATUTES AND DEPARTMENTAL  
9 RULES AND ORDERS RELATING TO THE REGULATION OF SOURCES OF  
10 IONIZING RADIATION."  
11

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

13 NEW SECTION. Section 1. Injunctions. The department  
14 may maintain an action in the district court to enjoin a  
15 continuance of an act in violation of this chapter or of a  
16 rule or order issued under this chapter. If the court finds  
17 that the defendant is violating or has violated any of the  
18 provisions of this chapter or any rule or order issued under  
19 this chapter, it shall enjoin the defendant from a  
20 continuance thereof.

21 NEW SECTION. Section 2. Civil penalties -- deposit in  
22 general fund -- injunctions not barred. (1) A person who  
23 violates this chapter or a rule or order issued under this  
24 chapter is subject to a civil penalty not to exceed \$5,000  
25 for each violation. For purposes of this section, each day

1 of a violation is a separate violation.

2 (2) The department shall initiate civil proceedings in  
3 district court to recover a penalty under subsection (1).

4 (3) Civil penalties collected under this section must  
5 be deposited in the general fund.

6 (4) An action under this section does not bar  
7 enforcement of this chapter or of rules or orders issued  
8 under it by injunction or other appropriate remedy.

9 NEW SECTION. Section 3. Extension of authority. Any  
10 existing authority to make rules on the subject of the  
11 provisions of [this act] is extended to the provisions of  
12 [this act].

13 NEW SECTION. Section 4. Codification instruction.  
14 [Sections 1 and 2] are intended to be codified as an  
15 integral part of Title 75, chapter 3, and the provisions of  
16 Title 75, chapter 3, apply to [sections 1 and 2].

17 NEW SECTION. Section 5. Saving clause. [This act]  
18 does not affect rights and duties that matured, penalties  
19 that were incurred, or proceedings that were begun before  
20 [the effective date of this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB192, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation would allow the Department of Health and Environmental Sciences to seek injunctions and civil penalties in a district court for violations of state law pertaining to the control of source of ionizing radiation and rules or orders issued pursuant to the state law.

ASSUMPTIONS:

It is assumed that most violators will come into compliance. It is the intention of the department to waive civil penalties in most cases if the violator obtains compliance.

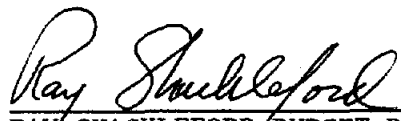
FISCAL IMPACT:

Expenditures: No additional expenditures are anticipated.

Revenue: Unable to ascertain. Civil penalties collected shall be deposited in the General Fund as required by law.

EFFECT ON COUNTY OR LOCAL REVENUE OR EXPENDITURE:

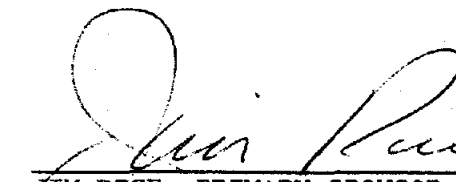
History shows that county and local facilities seek very prompt compliance regarding the control of sources of ionizing radiation. Therefore, it is not anticipated that civil penalties would be assessed.



RAY SHACKLEFORD, BUDGET DIRECTOR  
Office of Budget and Program Planning

1/23/89

DATE



JIM RICE, PRIMARY SPONSOR

1-23-89

DATE

Fiscal Note for HB192, as introduced

HB 192

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

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NEW SECTION. **Section 2.** Civil penalties -- deposit in general fund -- injunctions not barred. (1) A person who violates this chapter or a rule or order issued under this chapter is subject to a civil penalty not to exceed \$5,000 for each violation. For purposes of this section, each day

of a violation is a separate violation.

(2) The department shall initiate civil proceedings in district court to recover a penalty under subsection (1).

(3) Civil penalties collected under this section must be deposited in the general fund.

(4) An action under this section does not bar enforcement of this chapter or of rules or orders issued under it by injunction or other appropriate remedy.

NEW SECTION. **Section 3.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 4.** Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 75, chapter 3, and the provisions of Title 75, chapter 3, apply to [sections 1 and 2].

NEW SECTION. **Section 5.** Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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