

HOUSE BILL 400

Introduced by Wanzenried, et al.

1/30	Introduced
1/30	Referred to Taxation
1/30	Fiscal Note Requested
1/30	First Reading
2/02	Fiscal Note Received
2/04	Fiscal Note Printed
2/09	Hearing
3/12	Rereferred to Appropriations
3/26	Missed Transmittal Deadline

1 House BILL NO. 400
 2 INTRODUCED BY ~~Amend~~ Eek, B. Brakert
 3 R... BY REQUEST OF THE DEPARTMENT OF Water, Donnell
 4 Capetiaulla HEALTH AND ENVIRONMENTAL SCIENCES Stelling, Hansen
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING RULEMAKING
 7 AUTHORITY TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 8 SCIENCES TO ESTABLISH FEES TO PAY FOR CERTAIN RADIOLOGICAL
 9 SERVICES; ESTABLISHING A RADIATION SERVICES ACCOUNT IN THE
 10 STATE SPECIAL REVENUE FUND INTO WHICH THE FEES MUST BE
 11 DEPOSITED; AMENDING SECTION 75-3-201, MCA; AND PROVIDING
 12 EFFECTIVE DATES."

14 STATEMENT OF INTENT

15 A statement of intent is needed for this bill because
 16 [section 1] grants to the department of health and
 17 environmental sciences the authority to adopt rules
 18 implementing this bill. It is the legislature's intent that
 19 the rules adopted by the department establish fees to cover
 20 the cost to the department of:

- 21 (1) registering sources of ionizing radiation, such as
 22 x-ray machines;
 23 (2) licensing facilities that possess radioactive
 24 materials;
 25 (3) conducting inspections as needed to ensure that

1 sources of ionizing radiation comply with department rules;
 2 and
 3 (4) providing other radiation-related services of the
 4 department's occupational and radiological health bureau to
 5 protect the health and safety of workers and the general
 6 public. Examples of services include but are not limited to
 7 radioactive analyses of samples, shielding evaluations for
 8 new construction, responses to emergency situations, such as
 9 loss of containment of radioactive materials, and
 10 inspections required by federal agencies.

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

13 **Section 1.** Section 75-3-201, MCA, is amended to read:

14 "75-3-201. State radiation control agency. (1) The
 15 department is the state radiation control agency.

16 (2) Under the laws of this state, the department may
 17 employ, compensate, and prescribe the powers and duties of
 18 the individuals which are necessary to carry out this
 19 chapter.

20 (3) The department may for the protection of the
 21 occupational and public health and safety:

22 (a) develop and conduct programs for evaluation and
 23 control of hazards associated with the use of sources of
 24 ionizing radiation;

25 (b) develop programs and adopt rules with due regard

1 for compatibility with federal programs for licensing and
 2 regulation of byproduct, source, radioactive waste, and
 3 special nuclear materials and other radioactive materials.
 4 These rules shall cover equipment and facilities, methods
 5 for transporting, handling, and storage of radioactive
 6 materials, permissible levels of exposure, technical
 7 qualifications of personnel, required notification of
 8 accidents and other incidents involving radioactive
 9 materials, survey methods and results, methods of disposal
 10 of radioactive materials, posting and labeling of areas and
 11 sources, and methods and effectiveness of controlling
 12 individuals in posted and restricted areas.

13 (c) adopt rules relating to control of other sources of
 14 ionizing radiation. These rules shall must cover equipment
 15 and facilities, permissible levels of exposure to personnel,
 16 posting of areas, surveys, and records.

17 (d) advise, consult, and cooperate with other agencies
 18 of the state, the federal government, other states,
 19 interstate agencies, political subdivisions, and groups
 20 concerned with control of sources of ionizing radiation;

21 (e) accept and administer loans, grants, or other funds
 22 or gifts, conditional or otherwise, in furtherance of its
 23 functions, from the federal government and from other
 24 sources, public or private;

25 (f) encourage, participate in, or conduct studies,

1 investigations, training, research, and demonstrations
 2 relating to control of sources of ionizing radiation;

3 (g) collect and disseminate information relating to
 4 control of sources of ionizing radiation, including;

5 (i) maintenance of a file of all license applications,
 6 issuances, denials, amendments, transfers, renewals,
 7 modifications, suspensions, and revocations;

8 (ii) maintenance of a file of registrants possessing
 9 sources of ionizing radiation requiring registration under
 10 this chapter and any administrative or judicial action
 11 pertaining thereto to the registration;

12 (iii) maintenance of a file of all rules relating to
 13 regulation of sources of ionizing radiation, pending or
 14 adopted, and proceedings thereon on regulation;

15 (h) adopt rules to establish fees for the registration
 16 of sources of ionizing radiation, licensure of facilities
 17 possessing radioactive materials, and other radiological
 18 health services provided by the department for the
 19 protection of the public. The fees must cover the
 20 department's cost of registering or licensing sources of
 21 ionizing radiation, conducting inspections, and providing
 22 radiological health services. Fees collected by the
 23 department must be deposited into the radiation services
 24 account established in [section 2]."

25 NEW SECTION. Section 2. Radiation services account.

1 There is an account within the state special revenue fund.
2 Money deposited in the fund must be used for the
3 radiation-related services for which a fee has been
4 established under 75-3-201.

5 NEW SECTION. **Section 3.** Codification instruction.
6 [Section 2] is intended to be codified as an integral part
7 of Title 75, chapter 3, and the provisions of Title 75,
8 chapter 3, apply to [section 2].

9 NEW SECTION. **Section 4.** Effective dates. (1) [Section
10 1 and this section] are effective on passage and approval.
11 (2) [Sections 2 and 3] are effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0400, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act granting rulemaking authority to the Department of Health and Environmental Sciences to establish fees to pay for certain radiological services and establishing a radiation services account in the state special revenue fund into which the fees must be deposited.

ASSUMPTIONS:

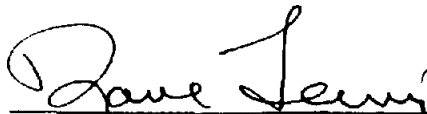
1. The expenditure assumptions are based upon the executive budget total recommended including budget modifications.
2. The revenue assumptions are based upon the executive budget total recommended including budget modifications. The revenue will be generated through fees established by rule to be commensurate with program cost. The fees will be assessed against approximately 2,000 registered X-ray tubes located in approximately 1,000 facilities. Other fees will be assessed against approximately 50 radiological health services provided annually and not associated with X-ray inspections.
3. Passage would not require any appropriations in addition to those proposed in the executive budget current level and modifications. The executive budget recommendations reflect a \$70,000 general fund decrease and state special revenue fee replacement.
4. Failure to pass will result in no funding for X-ray inspections and further result in virtually no radiation control in the state of Montana.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	3.0	3.0	0	3.0	3.0	0
Personal Services	\$108,686	\$108,686	0	\$108,710	\$108,710	0
Operating	65,616	65,616	0	70,475	70,475	0
Equipment	17,020	17,020	0	18,000	18,000	0
Total	\$191,322	\$191,322	0	\$197,185	\$197,185	0
<u>Funding:</u>						
State Special Revenue	\$191,322	\$191,322	0	\$197,185	\$197,185	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County hospitals which are funded by county general fund would have increased expenditures averaging about \$400 per year. The number of county hospitals funded by county general fund is unknown. A limited number (one or two) county health departments own X-ray equipment and would have increased expenditures averaging \$100 per year.

 2-2-93
DAVE LEWIS, BUDGET DIRECTOR
Office of Budget and Program Planning

 2-4-93
DAVID E. WANZENRIED, PRIMARY SPONSOR
DATE

Fiscal Note for HB0400, as introduced**HB 400**