

SENATE BILL NO. 225

INTRODUCED BY GAGE
BY REQUEST OF THE DEPARTMENT OF
NATURAL RESOURCES AND CONSERVATION

IN THE SENATE

JANUARY 30, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

 FIRST READING.

FEBRUARY 12, 1991 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

 POSTED ON CONSENT CALENDAR.

FEBRUARY 14, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

 PRINTING REPORT.

FEBRUARY 15, 1991 THIRD READING, PASSED.
 AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON NATURAL RESOURCES.

FEBRUARY 16, 1991 FIRST READING.

MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN. REPORT ADOPTED.

MARCH 16, 1991 ON MOTION, CONSIDERATION PASSED

MARCH 18, 1991 SECOND READING, CONCURRED IN AS
 AMENDED.

MARCH 19, 1991 THIRD READING, CONCURRED IN.
 AYES, 95; NOES, 4.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1991 RECEIVED FROM HOUSE.

MARCH 25, 1991

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *SENATE* BILL NO. *225*
 2 INTRODUCED BY *[Signature]*
 3 BY REQUEST OF THE DEPARTMENT OF
 4 NATURAL RESOURCES AND CONSERVATION

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 7 LAWS RELATING TO THE ADMINISTRATION OF THE OIL AND GAS
 8 CONSERVATION LAWS BY THE BOARD OF OIL AND GAS CONSERVATION;
 9 CLARIFYING THE AUTHORITY OF THE BOARD TO CONDUCT REHEARINGS
 10 ON RULES OR ORDERS ISSUED BY THE BOARD; REVISING THE CIVIL
 11 PENALTY TO NOT MORE THAN \$10,000 A DAY FOR A VIOLATION OF A
 12 RULE OR ORDER OF THE BOARD OR OF A PROVISION OF TITLE 82,
 13 CHAPTER 11, MCA; AMENDING SECTIONS 82-11-143 AND 82-11-149,
 14 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

17 **Section 1.** Section 82-11-143, MCA, is amended to read:

18 **"82-11-143. Rehearing.** A person adversely affected by a
 19 rule or order of the board may within 20 days after its
 20 effective date apply to the board in writing for a
 21 rehearing. The application for rehearing ~~shall~~ must be acted
 22 upon ~~within-10-days~~ at the board's next regularly scheduled
 23 meeting after its filing of the application, and if granted,
 24 the rehearing ~~shall~~ must be held without undue delay."

25 **Section 2.** Section 82-11-149, MCA, is amended to read:

1 **"82-11-149. Civil penalties.** (1) A person is guilty of
 2 a misdemeanor and is subject to a civil penalty of ~~at-least~~
 3 ~~\$5,000~~ not more than \$10,000 a day for each violation if
 4 that person violates any rule or order of the board or a
 5 provision of this chapter. Each day of violation constitutes
 6 a separate violation.

7 (2) Action under this section does not bar enforcement
 8 of this chapter or of rules or orders issued under it by
 9 injunction or other appropriate remedy.

10 (3) The board, or the attorney general upon request of
 11 the board, shall institute and maintain any enforcement
 12 proceedings in the name of the state."

13 NEW SECTION. Section 3. Saving clause. [This act] does
 14 not affect rights and duties that matured, penalties that
 15 were incurred, or proceedings that were begun before [the
 16 effective date of this act].

17 NEW SECTION. Section 4. Effective date. [This act] is
 18 effective on passage and approval.

-End-



INTRODUCED BILL
 58 225

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0225, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


This bill: 1) revises the laws relating to the administration of the oil and gas conservation laws by the Board of Oil and Gas Conservation; 2) clarifies the authority of the board to conduct rehearings on rules or orders issued by the board; and 3) revises the civil penalty to not more than \$10,000 a day for a violation of a rule or order of the board or of a provision of Title 82, chapter 11, MCA.

ASSUMPTIONS:

1. The proposed amendment provides an enforcement tool by allowing more flexibility to assess a civil penalty commensurate with the severity of a violation of Board of Oil and Gas Conservation rules.
2. The bill is not intended to supplement revenues received by the board.
3. Historically no revenue has been collected from this section of the code.

FISCAL IMPACT:

No fiscal impact.



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



DELWYN GAGE, PRIMARY SPONSOR DATE

Fiscal Note for SB0225, as introduced

SB 225

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-End-



HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 225
Representative O'Keefe

March 14, 1991 2:04 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 225 (third reading copy -- blue).

Signed: 
Representative O'Keefe

And, that such amendments to Senate Bill 225 read as follows:

1. Title, line 11.
Following: "TO"
Insert: "AT LEAST \$75 AND"
2. Page 2, line 3.
Following: "~~\$5,000~~"
Insert: "at least \$75 and"

ADOPT

REJECT

HOUSE
5B225

SB 225.1
551403CW.HSF

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-End-



REFERENCE BILL

-2-

SB 225

AS AMENDED