

SENATE BILL NO. 377

INTRODUCED BY JERGESON, GRADY, WHALEN, DAILY,
SQUIRES, PHILLIPS, GERVAIS, GAGE, RANEY,
HARPER, HARRINGTON, GALVIN, SCHYE

IN THE SENATE

FEBRUARY 13, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

 FIRST READING.

FEBRUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 25, 1991 PRINTING REPORT.

 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 26, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 49; NOES, 0.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

 FIRST READING.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

APRIL 6, 1991 SECOND READING, CONCURRED IN.

 ON MOTION, RULES SUSPENDED. BILL
PLACED ON THIRD READING THIS DAY.

 THIRD READING, CONCURRED IN.
AYES, 93; NOES, 1.

 RETURNED TO SENATE.

IN THE SENATE

APRIL 9, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *377*
 2 INTRODUCED BY *Jerguson, Souly, Whalen*
 3 *Dan Jerguson, Jerry Souly, Howard Lee Parry, Jr.*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING UNDERGROUND
 5 STORAGE TANK INSTALLERS WHO ARE EMPLOYEES FROM CIVIL PENALTY
 6 PROVISIONS; AMENDING SECTION 75-11-223, MCA; AND PROVIDING A
 7 RETROACTIVE APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 75-11-223, MCA, is amended to read:

11 *75-11-223. Civil penalties. (1) Any person who
 12 violates any provision of this part, a rule adopted under
 13 this part, or an order of the department or the board is
 14 subject to a civil penalty not to exceed \$10,000 per
 15 violation, except that if an installer who is an employee is
 16 in violation, the employer of that installer is the entity
 17 that is subject to the provisions of this section. Each day
 18 of violation of this part, a rule adopted under this part,
 19 or an order constitutes a separate violation.

20 (2) The department may institute and maintain in the
 21 name of the state any enforcement proceedings under this
 22 section. Upon request of the department, the attorney
 23 general or the county attorney of the county where the
 24 violation occurred shall petition the district court to
 25 impose, assess, and recover the civil penalty.

1 (3) Action under this section does not bar:
 2 (a) enforcement of this part, rules adopted under this
 3 part, orders of the department or the board, or terms of a
 4 license or permit by injunction or other appropriate remedy;
 5 or
 6 (b) action under 75-11-224."
 7 **NEW SECTION. Section 2.** Retroactive applicability.
 8 [This act] applies retroactively, within the meaning of
 9 1-2-109, to proceedings beginning after March 31, 1990.

-End-



-2-
 INTRODUCED BILL
 SB 377

APPROVED BY COMM. ON NATURAL RESOURCES

1 *Senate* BILL NO. *327*
 2 INTRODUCED BY *Jergeson, Dwyer, Whalen*
 3 *Dan Jergeson, Dwyer, Whalen, Howard, Lee, Roney, Taylor*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING UNDERGROUND
 5 STORAGE TANK INSTALLERS WHO ARE EMPLOYEES FROM CIVIL PENALTY
 6 PROVISIONS; AMENDING SECTION 75-11-223, MCA; AND PROVIDING A
 7 RETROACTIVE APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 75-11-223, MCA, is amended to read:

11 "75-11-223. Civil penalties. (1) Any person who
 12 violates any provision of this part, a rule adopted under
 13 this part, or an order of the department or the board is
 14 subject to a civil penalty not to exceed \$10,000 per
 15 violation, except that if an installer who is an employee is
 16 in violation, the employer of that installer is the entity
 17 that is subject to the provisions of this section. Each day
 18 of violation of this part, a rule adopted under this part,
 19 or an order constitutes a separate violation.

20 (2) The department may institute and maintain in the
 21 name of the state any enforcement proceedings under this
 22 section. Upon request of the department, the attorney
 23 general or the county attorney of the county where the
 24 violation occurred shall petition the district court to
 25 impose, assess, and recover the civil penalty.

1 (3) Action under this section does not bar:
 2 (a) enforcement of this part, rules adopted under this
 3 part, orders of the department or the board, or terms of a
 4 license or permit by injunction or other appropriate remedy;
 5 or
 6 (b) action under 75-11-224."
 7 **NEW SECTION. Section 2. Retroactive applicability.**
 8 [This act] applies retroactively, within the meaning of
 9 1-2-109, to proceedings beginning after March 31, 1990.

-End-



SECOND READING
SB 377

SENATE BILL NO. 377

INTRODUCED BY JERGESON, GRADY, WHALEN, DAILY,
SQUIRES, PHILLIPS, GERVAIS, GAGE, RANEY,
HARPER, HARRINGTON, GALVIN, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING UNDERGROUND
STORAGE TANK INSTALLERS WHO ARE EMPLOYEES FROM CIVIL PENALTY
PROVISIONS; AMENDING SECTION 75-11-223, MCA; AND PROVIDING A
RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 75-11-223, MCA, is amended to read:

"75-11-223. Civil penalties. (1) Any person who
violates any provision of this part, a rule adopted under
this part, or an order of the department or the board is
subject to a civil penalty not to exceed \$10,000 per
violation ~~---except---that---if.~~ IF an installer who is an
employee is in violation, the employer of that installer is
the entity that is subject to the provisions of this section
UNLESS THE VIOLATION IS THE RESULT OF A GROSSLY NEGLIGENT OR
WILLFUL ACT. Each day of violation of this part, a rule
adopted under this part, or an order constitutes a separate
violation.

(2) The department may institute and maintain in the
name of the state any enforcement proceedings under this

section. Upon request of the department, the attorney
general or the county attorney of the county where the
violation occurred shall petition the district court to
impose, assess, and recover the civil penalty.

(3) Action under this section does not bar:

(a) enforcement of this part, rules adopted under this
part, orders of the department or the board, or terms of a
license or permit by injunction or other appropriate remedy;
or

(b) action under 75-11-224."

NEW SECTION. **Section 2.** Retroactive applicability.

[This act] applies retroactively, within the meaning of
1-2-109, to proceedings beginning after March 31, 1990.

-End-



SENATE BILL NO. 377

INTRODUCED BY JERGESON, GRADY, WHALEN, DAILY,
SQUIRES, PHILLIPS, GERVAIS, GAGE, RANEY,
HARPER, HARRINGTON, GALVIN, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING UNDERGROUND
STORAGE TANK INSTALLERS WHO ARE EMPLOYEES FROM CIVIL PENALTY
PROVISIONS; AMENDING SECTION 75-11-223, MCA; AND PROVIDING A
RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 75-11-223, MCA, is amended to read:

"75-11-223. **Civil penalties.** (1) Any person who
violates any provision of this part, a rule adopted under
this part, or an order of the department or the board is
subject to a civil penalty not to exceed \$10,000 per
violation, ~~except that if~~. IF an installer who is an
employee is in violation, the employer of that installer is
the entity that is subject to the provisions of this section
UNLESS THE VIOLATION IS THE RESULT OF A GROSSLY NEGLIGENT OR
WILLFUL ACT. Each day of violation of this part, a rule
adopted under this part, or an order constitutes a separate
violation.

(2) The department may institute and maintain in the
name of the state any enforcement proceedings under this

section. Upon request of the department, the attorney
general or the county attorney of the county where the
violation occurred shall petition the district court to
impose, assess, and recover the civil penalty.

(3) Action under this section does not bar:

(a) enforcement of this part, rules adopted under this
part, orders of the department or the board, or terms of a
license or permit by injunction or other appropriate remedy;
or

(b) action under 75-11-224."

NEW SECTION. **Section 2.** Retroactive applicability.

[This act] applies retroactively, within the meaning of
1-2-109, to proceedings beginning after March 31, 1990.

-End-