

SENATE BILL NO. 400
INTRODUCED BY VAN VALKENBURG

IN THE SENATE

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

 FIRST READING.

FEBRUARY 21, 1991 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

FEBRUARY 22, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 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.

MARCH 20, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

APRIL 5, 1991 SECOND READING, CONCURRED IN AS
 AMENDED.

APRIL 6, 1991 THIRD READING, CONCURRED IN.
 AYES, 82; NOES, 11.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 9, 1991 RECEIVED FROM HOUSE.

 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 400
 2 INTRODUCED BY V. Valkenburg
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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING ABSOLUTE
 5 LIABILITY ON THE OWNER OR FORMER OWNER OF SOLID WASTE
 6 DISPOSED OF IN VIOLATION OF STATE LAW; IMPOSING A CIVIL
 7 PENALTY FOR PERSONS FOUND ABSOLUTELY LIABLE; AND AMENDING
 8 SECTIONS 75-10-212 AND 75-10-233, MCA."
 9

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

11 **Section 1.** Section 75-10-212, MCA, is amended to read:

12 "75-10-212. Disposal in unauthorized area prohibited --
 13 exception. (1) No person may dispose of solid waste except
 14 as permitted under this part.

15 (2) It shall be unlawful to dump or leave any garbage,
 16 dead animal, or other debris or refuse:

17 (a) in or upon any highway, road, street, or alley of
 18 this state;

19 (b) in or upon any public recreational property,
 20 highway, street, or alley under the control of the state of
 21 Montana or any political subdivision thereof or any officer
 22 or agent or department thereof;

23 (c) within 200 yards of such public highway, road,
 24 street, or alley or public recreational property;

25 (d) on privately owned property where hunting, fishing,

1 or other recreation is permitted, provided this subsection
 2 shall not apply to the owner, his agents, or those disposing
 3 of debris or refuse with the owner's consent.

4 (3) The owner or former owner of any garbage, dead
 5 animal, or other debris or refuse disposed of in violation
 6 of this section is absolutely liable, as provided in
 7 45-2-104, and is subject to the civil penalties provided in
 8 75-10-233."

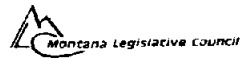
9 **Section 2.** Section 75-10-233, MCA, is amended to read:

10 "75-10-233. Dumping penalty -- enforcement. (1) Any A
 11 person found guilty of a violation of ~~75-10-212~~ 75-10-212
 12 shall be fined in the sum not exceeding \$100 or imprisoned
 13 in the county jail for a period not exceeding 30 days or be
 14 punished by both such fine and imprisonment, in the
 15 discretion of the court.

16 (2) A person found absolutely liable under 75-10-212 is
 17 subject to a civil penalty not to exceed \$1,000. Each day of
 18 violation constitutes a separate offense.

19 (3) The provisions of ~~75-10-212~~ 75-10-212 shall be
 20 enforced by all highway patrol officers, sheriffs,
 21 policemen, and all other enforcement agencies and officers
 22 of the state of Montana. In addition, game wardens shall
 23 have the right to enforce the provisions of ~~75-10-212~~
 24 75-10-212 on public recreational property and on private
 25 property where public recreation is permitted."

-End-
 -2-
 INTRODUCED BILL
 SB400



APPROVED BY COMM. ON NATURAL RESOURCES

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Senate BILL NO. 400
V. Valkeburg

INTRODUCED BY _____
A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING ABSOLUTE LIABILITY ON THE OWNER OR FORMER OWNER OF SOLID WASTE DISPOSED OF IN VIOLATION OF STATE LAW; IMPOSING A CIVIL PENALTY FOR PERSONS FOUND ABSOLUTELY LIABLE; AND AMENDING SECTIONS 75-10-212 AND 75-10-233, MCA."

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

Section 1. Section 75-10-212, MCA, is amended to read:

"75-10-212. Disposal in unauthorized area prohibited -- exception. (1) No person may dispose of solid waste except as permitted under this part.

(2) It shall be unlawful to dump or leave any garbage, dead animal, or other debris or refuse:

(a) in or upon any highway, road, street, or alley of this state;

(b) in or upon any public recreational property, highway, street, or alley under the control of the state of Montana or any political subdivision thereof or any officer or agent or department thereof;

(c) within 200 yards of such public highway, road, street, or alley or public recreational property;

(d) on privately owned property where hunting, fishing,

or other recreation is permitted, provided this subsection shall not apply to the owner, his agents, or those disposing of debris or refuse with the owner's consent.

(3) The owner or former owner of any garbage, dead animal, or other debris or refuse disposed of in violation of this section is absolutely liable, as provided in 45-2-104, and is subject to the civil penalties provided in 75-10-233."

Section 2. Section 75-10-233, MCA, is amended to read:

"75-10-233. Dumping penalty -- enforcement. (1) Any A person found guilty of a violation of ~~75-10-212(2)~~ 75-10-212 shall be fined in the sum not exceeding \$100 or imprisoned in the county jail for a period not exceeding 30 days or be punished by both such fine and imprisonment, in the discretion of the court.

(2) A person found absolutely liable under 75-10-212 is subject to a civil penalty not to exceed \$1,000. Each day of violation constitutes a separate offense.

(3) The provisions of ~~75-10-212(2)~~ 75-10-212 shall be enforced by all highway patrol officers, sheriffs, policemen, and all other enforcement agencies and officers of the state of Montana. In addition, game wardens shall have the right to enforce the provisions of ~~75-10-212(2)~~ 75-10-212 on public recreational property and on private property where public recreation is permitted."

-End-
-2-

SECOND READING
SB400



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Senate BILL NO. 400
V. Volkering

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING ABSOLUTE LIABILITY ON THE OWNER OR FORMER OWNER OF SOLID WASTE DISPOSED OF IN VIOLATION OF STATE LAW; IMPOSING A CIVIL PENALTY FOR PERSONS FOUND ABSOLUTELY LIABLE; AND AMENDING SECTIONS 75-10-212 AND 75-10-233, MCA."

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

Section 1. Section 75-10-212, MCA, is amended to read:

"75-10-212. Disposal in unauthorized area prohibited -- exception. (1) No person may dispose of solid waste except as permitted under this part.

(2) It shall be unlawful to dump or leave any garbage, dead animal, or other debris or refuse:

(a) in or upon any highway, road, street, or alley of this state;

(b) in or upon any public recreational property, highway, street, or alley under the control of the state of Montana or any political subdivision thereof or any officer or agent or department thereof;

(c) within 200 yards of such public highway, road, street, or alley or public recreational property;

(d) on privately owned property where hunting, fishing,

or other recreation is permitted, provided this subsection shall not apply to the owner, his agents, or those disposing of debris or refuse with the owner's consent.

(3) The owner or former owner of any garbage, dead animal, or other debris or refuse disposed of in violation of this section is absolutely liable, as provided in 45-2-104, and is subject to the civil penalties provided in 75-10-233."

Section 2. Section 75-10-233, MCA, is amended to read:

"75-10-233. Dumping penalty -- enforcement. (1) Any A person found guilty of a violation of 75-10-212(2) 75-10-212 shall be fined in the sum not exceeding \$100 or imprisoned in the county jail for a period not exceeding 30 days or be punished by both such fine and imprisonment, in the discretion of the court.

(2) A person found absolutely liable under 75-10-212 is subject to a civil penalty not to exceed \$1,000. Each day of violation constitutes a separate offense.

(3) The provisions of 75-10-212(2) 75-10-212 shall be enforced by all highway patrol officers, sheriffs, policemen, and all other enforcement agencies and officers of the state of Montana. In addition, game wardens shall have the right to enforce the provisions of 75-10-212(2) 75-10-212 on public recreational property and on private property where public recreation is permitted."

-End-
-2-

THIRD READING
SB400



HOUSE STANDING COMMITTEE REPORT

March 20, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 400 (third reading copy -- blue) be concurred in as amended .

Signed: Bob Raney
Bob Raney, Chairman

Carried by: Rep. Southworth

And, that such amendments read:

1. Title, line 7.

Following: "LIABLE;"

Insert: "CLARIFYING THE PROHIBITION AGAINST DUMPING SOLID WASTE ON PUBLIC PROPERTY;"

2. Page 1, line 19.

Following: "public"

Strike: "recreational"

3. Page 1, line 24.

Following: "public"

Strike: "recreational"

4. Page 2, lines 17 and 18.

Following: "exceed" on line 17

Strike: "\$1,000"

Insert: "\$5,000"

Following: "."

Strike: the remainder of lines 17 and 18

5. Page 2, line 24.

Following: "public"

Strike: "recreational"

SB 400

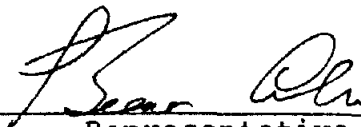
HOUSE

#1

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 400
Representative Cromley

April 5, 1991 11:22 am
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 400 (third reading copy -- blue).

Signed: 
Representative Cromley

And, that such amendments to Senate Bill 400 read as follows:

- 1. Page 2, line 4.
Following: "(3)"
Strike: remainder of line 4 through "of" on line 5
Insert: "Any person"

ADOPT

REJECT

HOUSE
SB 400

1 SENATE BILL NO. 400

2 INTRODUCED BY VAN VALKENBURG

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING ABSOLUTE
5 LIABILITY ON THE OWNER OR FORMER OWNER OF SOLID WASTE
6 DISPOSED OF IN VIOLATION OF STATE LAW; IMPOSING A CIVIL
7 PENALTY FOR PERSONS FOUND ABSOLUTELY LIABLE; CLARIFYING THE
8 PROHIBITION AGAINST DUMPING SOLID WASTE ON PUBLIC PROPERTY;
9 AND AMENDING SECTIONS 75-10-212 AND 75-10-233, MCA."

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

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13 "75-10-212. Disposal in unauthorized area prohibited --
14 exception. (1) No person may dispose of solid waste except
15 as permitted under this part.16 (2) It shall be unlawful to dump or leave any garbage,
17 dead animal, or other debris or refuse:18 (a) in or upon any highway, road, street, or alley of
19 this state;20 (b) in or upon any public recreational property,
21 highway, street, or alley under the control of the state of
22 Montana or any political subdivision thereof or any officer
23 or agent or department thereof;24 (c) within 200 yards of such public highway, road,
25 street, or alley or public recreational property;

1 (d) on privately owned property where hunting, fishing,
2 or other recreation is permitted, provided this subsection
3 shall not apply to the owner, his agents, or those disposing
4 of debris or refuse with the owner's consent.

5 ~~(3) The owner or former owner of any garbage, dead~~
6 ~~animal, or other debris or refuse disposed of~~ ANY PERSON in
7 violation of this section is absolutely liable, as provided
8 in 45-2-104, and is subject to the civil penalties provided
9 in 75-10-233."

10 Section 2. Section 75-10-233, MCA, is amended to read:

11 "75-10-233. Dumping penalty -- enforcement. (1) Any A
12 person found guilty of a violation of ~~75-10-212~~ 75-10-212
13 shall be fined in the sum not exceeding \$100 or imprisoned
14 in the county jail for a period not exceeding 30 days or be
15 punished by both such fine and imprisonment, in the
16 discretion of the court.

17 (2) A person found absolutely liable under 75-10-212 is
18 subject to a civil penalty not to exceed ~~\$1,000~~ \$5,000. Each
19 day-of-violation-constitutes-a-separate-offense.

20 (3) The provisions of ~~75-10-212~~ 75-10-212 shall be
21 enforced by all highway patrol officers, sheriffs,
22 policemen, and all other enforcement agencies and officers
23 of the state of Montana. In addition, game wardens shall
24 have the right to enforce the provisions of ~~75-10-212~~
25 75-10-212 on public recreational property and on private

SB 0400/02

1 property where public recreation is permitted."

-End-