

1 House BILL NO. 93
2 INTRODUCED BY VINCENT Suebeck

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A PENALTY
5 FOR VIOLATION OF CHAPTER 15 OF TITLE 26, RELATING TO
6 CONSTRUCTION AND HYDRAULIC PROJECTS AFFECTING FISH AND
7 GAME."

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

10 Section 1. There is a new R.C.M. section numbered
11 26-1509 that reads as follows:

12 26-1509. Penalty -- fine -- restoration. An agency,
13 under section 26-1502, violating provisions of this chapter
14 is guilty of a misdemeanor and upon conviction shall be
15 punished by a fine of not less than five hundred dollars
16 (\$500) nor more than one thousand dollars (\$1,000), for each
17 day of continuing violation; and in addition, at the
18 discretion of the court, the agency shall restore the
19 damaged stream to its prior condition. Employees of an
20 agency, acting in the ordinary course of their employment
21 under directions of a superior, are not liable for
22 violations under this section.

23
24 Section 2. Severability. If a part of this act is
25 invalid, all valid parts that are severable from the invalid

1 part remain in effect. If a part of this act is invalid in
2 one or more of its applications, the part remains in effect
3 in all valid applications that are severable from the
4 invalid applications.

-End-

HB 93

Approved by Committee
on Natural Resources

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16 (\$500) nor more than one thousand dollars (\$1,000), for each
17 day of continuing violation, BUT NOT MORE THAN A TOTAL OF
18 FIVE THOUSAND DOLLARS (\$5,000); and in addition, at the
19 discretion of the court, the agency shall restore the
20 damaged stream to its prior condition. Employees of an
21 agency, acting in the ordinary course of their employment
22 under directions of a superior, are not liable for
23 violations under this section. THE COMMISSION MAY INSTITUTE
24 AND MAINTAIN IN THE NAME OF THE STATE ENFORCEMENT
25 PROCEEDINGS UNDER THIS SECTION.

1 Section 2. Severability. If a part of this act is
2 invalid, all valid parts that are severable from the invalid
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Section 2. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

March 6, 1975

SENATE COMMITTEE ON NATURAL RESOURCES AND FISH AND GAME

AMENDMENTS TO HOUSE BILL NO. 93

That House Bill No. 93, third reading, be amended as follows:

1. Amend page 1, section 1, lines 15 and 16.
Following: "less than"
Strike: "five hundred dollars (\$500)"
Insert: "one hundred dollars (\$100)"
2. Amend page 1, section 1, line 16.
Following: "more than"
Strike: "one thousand dollars (\$1,000)"
Insert: "five hundred dollars (\$500)"
3. Amend page 1, section 1, line 18.
Following: line 17
Strike: "FIVE THOUSAND DOLLARS (\$5,000)"
Insert: "one thousand dollars (\$1,000)"

March 10, 1975

SENATE COMMITTEE OF THE WHOLE
AMENDMENTS TO HOUSE BILL NO. 93

That House Bill No. 93 be amended as follows:

1. Amend title, line 4.
Following: "PROVIDE"
Strike: "A PENALTY"
Insert: "AN ASSESSMENT"
2. Amend page 1, section 1, line 14.
Strike: "is guilty of a misdemeanor and upon conviction"
3. Amend page 1, section 1, line 15.
Strike: "punished by"
Insert: "assessed"
4. Amend page 1, section 1, line 25.
Following: "SECTION."
Insert: "All fines assessed under this act shall be deposited in the earmarked revenue fund for the use of the department."

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16 ~~dollars-(\$500)~~ ONE HUNDRED DOLLARS (\$100) nor more than ~~one~~
17 ~~thousand-dollars--(\$1,000)~~ FIVE HUNDRED DOLLARS (\$500), for
18 each day of continuing violation, BUT NOT MORE THAN A TOTAL
19 OF FIVE--THOUSAND--DOLLARS--(\$5,000) ONE THOUSAND DOLLARS
20 (\$1,000); and in addition, at the discretion of the court,
21 the agency shall restore the damaged stream to its prior
22 condition. Employees of an agency, acting in the ordinary
23 course of their employment under directions of a superior,
24 are not liable for violations under this section. THE
25 COMMISSION MAY INSTITUTE AND MAINTAIN IN THE NAME OF THE

1 STATE ENFORCEMENT PROCEEDINGS UNDER THIS SECTION. ALL FINES
2 ASSESSED UNDER THIS ACT SHALL BE DEPOSITED IN THE EARMARKED
3 REVENUE FUND FOR THE USE OF THE DEPARTMENT.

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6 part remain in effect. If a part of this act is invalid in
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-End-