

1 *Senate* BILL NO. *37*
 2 INTRODUCED BY *Norman Brown (REQUEST H.F.S.)*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR
 5 DETERMINATION AND COLLECTION OF CIVIL PENALTIES UNDER THE
 6 CLEAN AIR ACT."
 7

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

9 Section 1. There is a new R.C.M. section numbered
 10 69-3921.1 that reads as follows:

11 69-3921.1. Civil Penalties. (1) Any person who
 12 violates any provision of this chapter, or any rule enforced
 13 thereunder or any order made pursuant thereto, shall be
 14 subject to a civil penalty not to exceed one thousand
 15 dollars (\$1,000). Each day of violation shall constitute a
 16 separate violation. The department may institute and
 17 maintain in the name of the state any enforcement
 18 proceedings hereunder. Upon request of the department, the
 19 attorney general or the county attorney of the county of
 20 violation shall petition the district court to impose,
 21 assess and recover the civil penalty. The civil penalty is
 22 in lieu of the criminal penalty provided for in section
 23 69-3921.

24 (2) Action under subsection (1) of this section is not
 25 a bar to enforcement of this chapter, or of rules or orders

1 made under it, by injunction or other appropriate remedy.
 2 (3) Monies collected hereunder shall be deposited in
 3 the state general fund.

-End-

Approved by Committee
on Natural Resources

Approved by Comm.
on Fish and Game

SENATE BILL NO. 37

INTRODUCED BY NORMAN, BROWN

(BY REQUEST, DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES)

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