

SENATE BILL 105

IN THE SENATE

January 15, 1979

Introduced and referred to
Committee on Natural Resources.

January 23, 1979

Committee recommend bill, do
not pass, as amended.

On motion, Senate reconsider
its action taken on Adverse
Committee report this day.
Motion failed.

1 *Amate* BILL NO. *105*
 2 INTRODUCED BY *S. Brown* *Leskie*
 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 6 82-4-306, MCA, TO ALLOW CERTAIN INFORMATION TO BE PROVIDED
 7 TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND
 8 TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 9 SCIENCES SHALL KEEP SUCH INFORMATION CONFIDENTIAL."

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

12 Section 1. Section 82-4-306, MCA, is amended to read:

13 "82-4-306. Confidentiality of application information.

14 (1) Any and all information obtained by the board or by the
 15 director or his staff by virtue of applications for
 16 exploration licenses and all information obtained from small
 17 miners is confidential between the board and the applicant,
 18 except as to the name of the applicant and the county of
 19 proposed operation; provided that all activities conducted
 20 subsequent to exploration and other associated facilities
 21 shall be public information and conducted under a
 22 development or operating permit. It is further provided that
 23 any information obtained by the board or by the director or
 24 his staff by virtue of such applications is properly
 25 admissible in any hearing conducted by the director, the

1 board, appeals board, or in any judicial proceeding to which
 2 the director and the applicant are parties and is not
 3 confidential when a violation of the part or rules has been
 4 determined by the department or by judicial order. Failure
 5 to comply with the secrecy provisions of this part shall be
 6 punishable by a fine of up to \$1,000.

7 ~~(2) The department, notwithstanding subsection (1) of~~
 8 ~~this section, may provide information obtained by virtue of~~
 9 ~~applications for exploration licenses and information~~
 10 ~~obtained from small miners, to the department of health and~~
 11 ~~environmental sciences, if it determines that a potential~~
 12 ~~violation of the air or water quality laws or rules may~~
 13 ~~exist. The department of health and environmental sciences~~
 14 ~~shall keep all information obtained from the department and~~
 15 ~~all information obtained by virtue of information obtained~~
 16 ~~from the department confidential; provided that such~~
 17 ~~information is properly admissible in any administrative~~
 18 ~~hearing or proceeding which concerns a particular site and~~
 19 ~~is not confidential when a violation of air or water quality~~
 20 ~~laws or rules is determined by the department, the~~
 21 ~~department of health and environmental sciences, or by~~
 22 ~~judicial order. The department of health and environmental~~
 23 ~~sciences and the board of health and environmental sciences~~
 24 ~~are subject to fine as provided in this section for failure~~
 25 ~~to comply with the secrecy provisions."~~

-End-
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SB 105
 INTRODUCED BILL