

HOUSE BILL NO. 277

INTRODUCED BY SEIFERT, MUELLER, KANDUCH,
DAILY, QUILICI, PAVLOVICH

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on Natural Resources.
January 17, 1981	Fiscal note requested.
January 21, 1981	Fiscal note returned.
January 30, 1981	Committee recommend bill do pass as amended. Report adopted.
February 2, 1981	Bill printed and placed on members' desks.
February 3, 1981	Second reading, do pass.
February 4, 1981	Correctly engrossed.
February 6, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Natural Resources.
March 6, 1981	Committee recommend bill be concurred in. Report adopted.
March 9, 1981	Second reading, pass consideration.
March 10, 1981	Second reading, bill concurred in.
March 12, 1981	Third reading, concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

March 13, 1981

Returned from Senate.
Concurred in. Sent to
enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 277
 2 INTRODUCED BY Sen. Scott MacLennan Kandquist
 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR CIVIL
 6 PENALTIES FOR VIOLATION AND ENFORCEMENT BY THE ATTORNEY
 7 GENERAL OF THE OPEN CUT MINING ACT; REPEALING SECTION
 8 82-4-435."

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

11 Section 1. Penalty -- enforcement. (1) A person who
 12 violates any of the provisions of this part or rules adopted
 13 thereunder shall pay a civil penalty of not less than \$100
 14 or more than \$1,000 for the violation and an additional
 15 civil penalty of not less than \$100 or more than \$1,000 for
 16 each day during which a violation continues, and the person
 17 may be enjoined from continuing such violation as provided
 18 in this section. These penalties are recoverable in an
 19 action brought in the name of the state of Montana by the
 20 attorney general in the district court of the first judicial
 21 district of this state, in and for the county of Lewis and
 22 Clark, or in the district court having jurisdiction of the
 23 defendant. Penalty money shall be credited to the general
 24 fund.

25 (2) The attorney general shall, upon the request of

1 the department, sue for the recovery of the penalties
 2 provided for in this section and bring an action for a
 3 restraining order or a temporary or permanent injunction
 4 against an operator or other person violating or threatening
 5 to violate an order adopted under this part.

6 Section 2. Repealer. Section 82-4-435, MCA, is
 7 repealed.

8 Section 3. Codification instruction. Section 1 is
 9 intended to be codified as an integral part of Title 82,
 10 chapter 4, part 4, and the provisions of Title 82, chapter
 11 4, part 4, apply to section 1.

-End-

INTRODUCED BILL
 HB 277

STATE OF MONTANA

REQUEST NO. 144-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 16, 19 81, there is hereby submitted a Fiscal Note for House Bill 277 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

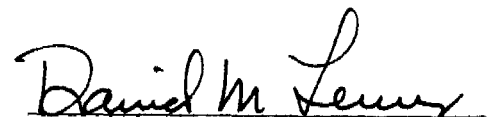
House Bill 277 is an act to provide for civil penalties for violation and enforcement by the Attorney General of the open cut mining act.

Assumption

1. Assumes that Department of State Lands will continue present enforcement of act.
2. Assumes that Department of Justice staff can handle the cases resulting from violation of the act with the present staff.

Fiscal Impact

None



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-21-81

Approved by Committee
on Natural Resources

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 16 civil penalty of not less than \$100 or more than \$1,000 for
 17 each day during which a violation continues FOLLOWING THE
 18 SERVICE OF NOTICE OF THE VIOLATION, and the person may be
 19 enjoined from continuing such violation as provided in this
 20 section. These penalties are recoverable in an action
 21 brought in the name of the state of Montana by the attorney
 22 general in ~~the district court of the first judicial district~~
 23 ~~of this state in and for the county of Lewis and Clark, or~~
 24 in the district court having jurisdiction of the defendant
 25 OR BY MUTUAL AGREEMENT OF THE PARTIES INVOLVED, IN THE

1 DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT. Penalty money
 2 shall be credited to the general fund.
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 4 the department, sue for the recovery of the penalties
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-End-

SECOND READING

HOUSE BILL NO. 277

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BY REQUEST OF THE DEPARTMENT OF STATE LANDS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR CIVIL PENALTIES FOR VIOLATION AND ENFORCEMENT BY THE ATTORNEY GENERAL OF THE OPEN CUT MINING ACT; REPEALING SECTION 82-4-435."

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

Section 1. Penalty -- enforcement. (1) A person who violates any of the provisions of this part or rules adopted thereunder shall pay a civil penalty of not less than \$100 or more than \$1,000 for the violation and an additional civil penalty of not less than \$100 or more than \$1,000 for each day during which a violation continues FOLLOWING THE SERVICE OF NOTICE OF THE VIOLATION, and the person may be enjoined from continuing such violation as provided in this section. These penalties are recoverable in an action brought in the name of the state of Montana by the attorney general ~~in the district court of the first judicial district of this state in and for the county of Lewis and Clark or in~~ the district court having jurisdiction of the defendant OR BY MUTUAL AGREEMENT OF THE PARTIES INVOLVED, IN THE

DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT. Penalty money shall be credited to the general fund.

(2) The attorney general shall, upon the request of the department, sue for the recovery of the penalties provided for in this section and bring an action for a restraining order or a temporary or permanent injunction against an operator or other person violating or threatening to violate an order adopted under this part.

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Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 82, chapter 4, part 4, and the provisions of Title 82, chapter 4, part 4, apply to section 1.

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THIRD READING

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REFERENCE BILL