

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. Mucha Kanduch  
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."\*

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

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-

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

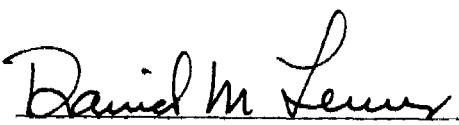
House Bill 277 is an act to provide for civil penalties for violation and enforcement by the Attorney General of the open cut mining act.

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

  
David M. Lewis  
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.

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

9           Section 2. Repealer. Section 82-4-435, MCA, is  
10        repealed.

11 Section 3. Codification instruction. Section 1 is  
12 intended to be codified as an integral part of Title 82,  
13 chapter 4, part 4, and the provisions of Title 82, chapter  
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- End -

SECOND READING

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REFERENCE BILL