

House Bill 697

In The House

February 10, 1981	Introduced and referred to Committee on Natural Resources.
February 20, 1981	Committee recommend bill do pass as amended.
February 21, 1981	Bill printed and placed on members' desks.
February 23, 1981	Second reading do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Natural Resources.
March 25, 1981	Committee recommend bill concurred.
March 26, 1981	Second reading concurred.
March 28, 1981	Third reading not concurred.

In The House

March 28, 1981	Returned from Senate not concurred.
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1 HOUSE BILL NO. 697
 2 INTRODUCED BY *McGrider Ellison McGowan Hays*
 3 *Spurdley Jeff Keeby Small*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A LICENSE TO
 5 USE A SUCTION DREDGE IN STATE WATERS AND TO PROVIDE A
 6 PENALTY."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Suction dredge -- license -- penalty. (1) A
 10 person may not use a suction dredge in state waters, except
 11 after having obtained and in accordance with the
 12 restrictions set forth in a license issued by the department
 13 of health and environmental sciences under this section.

14 (2) Before issuing a license, the department shall
 15 require the applicant to establish to its satisfaction that:

16 (a) he has complied with the applicable state laws and
 17 regulations; and

18 (b) he is aware of applicable federal laws and the
 19 rights of existing mineral claimants and private landowners.

20 (3) The license must contain an identifying number,
 21 the intake hose diameter, date of expiration, and the
 22 location where use is allowed. The license must be attached
 23 to the dredge so that it may be easily observed. The license
 24 expires December 31 of the year issued.

25 (4) If a person operates any equipment other than that

1 authorized by the license or conducts operations in any
 2 waters or area or at any time that is not authorized by the
 3 license or if any person conducts operations without
 4 securing a license, the person is guilty of a misdemeanor
 5 and is punishable as provided in 46-13-212.

-End-

-2- INTRODUCED BILL
 HB 697

1 STATEMENT OF INTENT

2 HOUSE BILL 697

3 House Natural Resources Committee

4

5 A statement of intent is required for HB 697 because it
6 delegates licensing and rulemaking authority in section 1 to
7 the department of health and environmental sciences.

8 The bill requires a license to be obtained from the
9 department. Prior to licensure, the department will provide
10 the applicant with a list of state and federal laws
11 applicable to suction dredge operations and ensure
12 compliance with state law. The department will place
13 restrictions on the license pursuant to its present
14 authority under Title 75, chapter 5. The department may by
15 rule develop a color scheme for licenses and require the
16 license to contain information in addition to that in
17 subsection (3) as aids to enforcement.

Approved by Committee
on Natural Resources

HOUSE BILL NO. 697

INTRODUCED BY McBRIDE, ELLISON, McLANE, HARPER,

YARDLEY, THOFT, KEEDY, DONALDSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A LICENSE TO
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after having obtained and in accordance with the
restrictions set forth in a license issued by the department
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(2) Before issuing a license, the department shall
require the applicant to establish to its satisfaction that:

(a) ~~he has-complied-with~~ IS AWARE OF the applicable
state laws and regulations; and

(b) he is aware of applicable federal laws and the
rights of existing mineral claimants and private landowners.

(3) The license must contain an identifying number,
the intake hose diameter, A date of expiration, and the
location where use is allowed, AND OTHER INFORMATION THAT
THE DEPARTMENT MAY REQUIRE BY RULE. The license must be
attached to the dredge so that it may be easily observed.

The license expires December 31 of the year issued.

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authorized by the license or conducts operations in any
waters or area or at any time that is not authorized by the
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securing a license, the person is guilty of a misdemeanor
and is punishable as provided in 46-18-212.

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Please insert in H B 697
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10 the applicant with a list of state and federal laws
11 applicable to suction dredge operations ~~and--ensure~~
12 ~~compliance-with-state-law~~ TO ENSURE THAT THE APPLICANT IS
13 AWARE OF APPLICABLE STATE AND FEDERAL LAWS. The department
14 will place restrictions on the license pursuant to its
15 present authority under Title 75, chapter 5. The department
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7 and is punishable as provided in 46-18-212.

-End-

March 25, 1981

SENATE STANDING COMMITTEE REPORT
(Natural Resources)

That House Bill No. 697 be amended as follows:

1. Page 1, line 16
Following: "applicant to"
Strike: "establish to its satisfaction"
Insert: "file an affidavit stating"
2. Page 1, line 22
Following: "diameter,"
Strike: "A"
Following: "and"
Insert: "and"
3. Page 1, lines 23 and 24
Following: "allowed"
Strike: "AND OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE BY
RULE" on lines 23 and 24

March 25, 1981

SENATE STANDING COMMITTEE REPORT
(Natural Resources)

That House Bill No. 697 Statement of Intent be amended as follows:

1. Page 1, lines 11 and 12
Following: "operations" on line 11
Strike: "and ensure compliance with state law"
Insert: "to ensure that the applicant is aware of applicable state
and federal laws "