

Senate Bill 205

In The Senate

January 20, 1981

Introduced and referred
to Committee on Natural
Resources.

February 7, 1981

Committee recommend bill
do not pass.

On motion Senate reconsider
its action taken on Adverse
Committee Report and order
printed and placed on second
reading. Motion failed.

1 Amended BILL NO. 205
 2 INTRODUCED BY JEFF BROWN

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

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

11 Section 1. Section 82-4-306, MCA, is amended to read:
 12 "82-4-306. Confidentiality of application information.
 13 (1) Any and all information obtained by the board or by the
 14 director or his staff by virtue of applications for
 15 exploration licenses and all information obtained from small
 16 miners is confidential between the board and the applicant,
 17 except as to the name of the applicant and the county of
 18 proposed operation; provided that all activities conducted
 19 subsequent to exploration and other associated facilities
 20 shall be public information and conducted under a
 21 development or operating permit. It is further provided that
 22 any information obtained by the board or by the director or
 23 his staff by virtue of such applications is properly
 24 admissible in any hearing conducted by the director, the
 25 board, appeals board, or in any judicial proceeding to which

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

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

-End-

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INTRODUCED BILL

SB 205