SENATE BILL NO. 369

INTRODUCED BY GRAHAM, HOLLIDAY

IN THE SENATE

February 5, 1983	Introduced and referred to Committee on Natural Resources.
February 12, 1983	Committee recommend bill do pass. Report adopted.
February 14, 1983	Bill printed and placed on members' desks.
February 15, 1983	Second reading, do pass.
February 16, 1983	Correctly engrossed.
February 17, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.
IN T	HE HOUSE
February 28, 1983	Introduced and referred to Committee on Natural Resources.
March 7, 1983	Committee recommend bill be concurred in. Report adopted.
March 9, 1983	Second reading, concurred in.
March 10, 1983	Third reading, concurred in.
IN T	he senate
March 11, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

48th Legislature

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DELETE THE 5 REQUIREMENT THAT ADDITIONAL STRIP- AND UNDERGROUND-MINING 6 PERMITS MAY NOT BE ISSUED TO AN OPERATOR WHO HAS REPEATEDLY 7 VIOLATED STATE RECLAMATION LAWS; AMENDING SECTION 82-4-251+ 8 MCA."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 82-4-251. MCA. is amended to read: 11 12 #82-4-251. Noncompliance -- suspension of permits. (1) The commissioner or an authorized representative of the 13 department shall, if he determines on the basis of an 14 inspection that any condition or practices exist or that the 15 permittee is in violation of any requirement of this part or 15 any permit condition required by the part that creates an 17 18 impinent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant 19 and imminent environmental harm to land, air, or water 20 resources, immediately order cessation of the operation or 21 the portion thereof relevant to the condition, practice, or 22 violation. The cessation order remains in effect until the 23 commissioner or his authorized representative determines 24 25 that the condition, practice, or violation has been abated

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15 (3) When, on the basis of an inspection, the 16 commissioner or his authorized representative determines 17 that a pattern of violations of any requirements of this 18 part or any permit conditions required by this part exists 19 or has existed and if the commissioner or his authorized 20 representative also finds that such violations are caused by 21 the unwarranted failure of the permittee to comply with any 22 requirements of this part or any permit conditions or that 23 such violations are willfully caused by the permittee, the commissioner or his authorized representative shall 24 25 forthwith issue an order to the permittee to show cause as

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12 (7) Whenever an order is issued under this section or 13 as the result of any administrative proceeding under this 14 part, at the request of any person, a sum equal to the 15 aggregate amount of all costs, expenses, and attorney fees 16 as determined by the department to have been reasonably 17 incurred by such person for or in connection with his participation in such proceedings, including any judicial 18 review of agency actions, may be assessed against either 19 party as the court, resulting from judicial review, or the 20 department, resulting from administrative proceedings, 21 22 considers proper.

(6) In order to protect the stability of the land, the
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Approved by Committee on <u>Natural Resources</u>

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