

HOUSE BILL NO. 181

INTRODUCED BY REAM, HAGER

BY REQUEST OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 14, 1985	Introduced and referred to Committee on Judiciary.
January 15, 1985	Fiscal Note requested.
January 18, 1985	Committee recommend bill do pass. Report adopted.  Bill printed and placed on members' desks.
January 19, 1985	Second reading, do pass.  Considered correctly engrossed.
January 21, 1985	Fiscal Note returned.  Third reading, passed.  Transmitted to Senate.

IN THE SENATE

January 22, 1985	Introduced and referred to Committee on Judiciary.
March 12, 1985	Committee recommend bill be concurring in. Report adopted.
March 14, 1985	Second reading, concurred in.
March 16, 1985	Third reading, concurred in. Ayes, 45; Noes, 2.  Returned to House.

IN THE HOUSE

March 16, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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 2 INTRODUCTION BY Ream Hoyer  
 3                    BY REQUEST OF THE DEPARTMENT OF HEALTH  
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COLLECTION OF  
 7 BOTH CIVIL AND CRIMINAL PENALTIES FOR VIOLATIONS OF THE  
 8 MONTANA HAZARDOUS WASTE ACT OR OF A RULE, ORDER, OR PERMIT  
 9 ISSUED PURSUANT TO IT; AMENDING SECTION 75-10-417, MCA."  
 10

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

12            Section 1. Section 75-10-417, MCA, is amended to read:  
 13            "75-10-417. Civil penalties. (1) Any person who  
 14 violates any provision of this part, a rule adopted under  
 15 this part, an order of the department or the board, or a  
 16 permit is subject to a civil penalty not to exceed \$10,000.  
 17 Each day of violation constitutes a separate violation.

18            (2) The department may institute and maintain in the  
 19 name of the state any enforcement proceedings under this  
 20 section. Upon request of the department, the attorney  
 21 general or the county attorney of the county of violation  
 22 shall petition the district court to impose, assess, and  
 23 recover the civil penalty. ~~Any--civil--penalty--collected~~  
 24 ~~under--this--section--is--in--lieu--of--the--criminal--penalty~~  
 25 ~~provided--for--in--75-10-418.~~

1            (3) Action under this section does not bar:  
 2            (a) enforcement of this part, rules adopted under this  
 3 part, orders of the department or the board, or permits by  
 4 injunction or other appropriate remedy; or

5            (b) action under 75-10-418.

6            (4) Money collected under this section shall be  
 7 deposited in the state general fund."

8            NEW SECTION. Section 2. Saving clause. This act does  
 9 not affect rights and duties that matured, penalties that  
 10 were incurred, or proceedings that were begun before the  
 11 effective date of this act.

12            NEW SECTION. Section 3. Extension of authority. Any  
 13 existing authority of the department of health and  
 14 environmental sciences to make rules on the subject of the  
 15 provisions of this act is extended to the provisions of this  
 16 act.

-End-

STATE OF MONTANA

F I S C A L   N O T E

REQUEST NO. FNN 109-85

Form    BD-15

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In compliance with a written request received January 15,                    19 85 , there is hereby submitted a Fiscal Note for House Bill 181                    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.

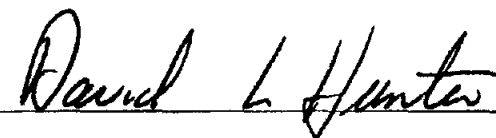
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DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 181 is an act to allow collection of both civil and criminal penalties for violations of the Montana Hazards Waste Act on a rule, order or permit issued pursuant to it.

FISCAL IMPACT:

The revenue impact to the general fund is undeterminable at this time.



BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Jan 21, 1985

HB 181

APPROVED BY COMMITTEE  
ON JUDICIARY

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