

HOUSE BILL NO. 187

INTRODUCED BY HARPER, COHEN, ECK, B. BROWN

BY REQUEST OF THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 15, 1985	Introduced and referred to Committee on Judiciary.
January 16, 1985	Fiscal Note requested.
January 18, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 19, 1985	Second reading, pass consideration.
January 22, 1985	Fiscal Note returned.
	Second reading, do pass.
	Considered correctly engrossed.
January 23, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

January 24, 1985	Introduced and referred to Committee on Judiciary.
January 25, 1985	New Fiscal Note requested.
January 26, 1985	New Fiscal Note returned.

March 25, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 27, 1985	Second reading, concurred in.
March 29, 1985	Third reading, concurred in. Ayes, 47; Noes, 1.
	Returned to House with amendments.

IN THE HOUSE

March 29, 1985	Received from Senate.
April 2, 1985	Second reading, amendments concurred in.
April 3, 1985	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

1 HOUSE BILL NO. 187
 2 INTRODUCED BY Hays EEK
 3 Bob Brown BY REQUEST OF THE DEPARTMENT OF
 4 HEALTH AND ENVIRONMENTAL SCIENCES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A DISTRICT
 7 COURT TO AWARD THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
 8 SCIENCES THE COSTS INCURRED BY IT TO INVESTIGATE AND ABATE
 9 VIOLATIONS OF THE PUBLIC WATER SUPPLY ACT; AMENDING SECTION
 10 75-6-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 11

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

13 Section 1. Section 75-6-111, MCA, is amended to read:
 14 "75-6-111. Appeal from rule or standard -- injunction
 15 to require compliance. (1) A person aggrieved by a rule,
 16 standard, or order adopted or issued pursuant to this part
 17 may appeal to the district court. While the appeal is
 18 pending, the rule, standard, or order is in force.

19 (2) The department may seek an injunction from the
 20 appropriate district court to require compliance with this
 21 part or a rule or order issued as authorized by this part.
 22 The court may award the department costs and expenses
 23 incurred in investigating and abating the violation. The
 24 department may also initiate an action to collect a criminal
 25 penalty as provided in 75-6-113."

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

5 NEW SECTION. Section 3. Extension of authority. Any
 6 existing authority of the department of health and
 7 environmental sciences to make rules on the subject of the
 8 provisions of this act is extended to the provisions of this
 9 act.

10 NEW SECTION. Section 4. Effective date. This act is
 11 effective on passage and approval.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 116-85

Form BD-15

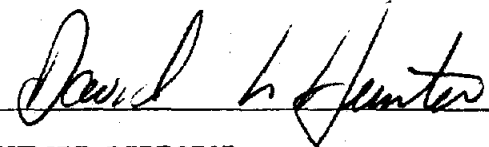
In compliance with a written request received January 16 19 85, there is hereby submitted a Fiscal Note for H.B. 187 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 187 is a act to authorize a District Court to award the Department of Health and Environmental Sciences the costs incurred by it to investigate and abate violations of the Public Water Supply Act.

FISCAL IMPACT:

If the recovery of costs are awarded by the courts, related costs would be abated against the amount of the award, thus having a zero impact on the operating budget and revenue.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 22, 1985
HB 187

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 116-85

Form BD-15

In compliance with a written request received January 16 19 85, there is hereby submitted a Fiscal Note for H.B. 187 /revised 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 187 is an act to authorize a District Court to award the Department of Health and Environmental Sciences the costs incurred by it to investigate and abate violations of the Public Water Supply Act.

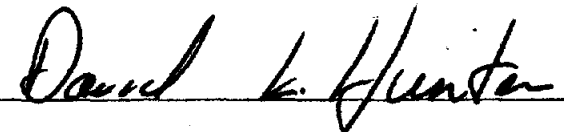
FISCAL IMPACT:

Expenditures:

No impact.

Revenue:

Any recovery of costs will be deposited to the General Fund. The amount of recoveries is not determinable.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: JAN 25, 1985

HB 187

REVISED

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 187

INTRODUCED BY HARPER, POFF, ECK, B. BROWN

BY REQUEST OF THE DEPARTMENT OF

HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE A DISTRICT COURT TO AWARD ~~THE DEPARTMENT OF--HEALTH--AND--ENVIRONMENTAL SCIENCES~~ PREVAILING PARTY THE COSTS INCURRED BY ~~IT-TO INVESTIGATE--AND--ABATE~~ IN INVESTIGATING AND ABATING VIOLATIONS OF THE PUBLIC WATER SUPPLY ACT OR IN DEFENDING AGAINST ALLEGATIONS OF VIOLATIONS OF THE ACT; AMENDING SECTION 75-6-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-6-111, MCA, is amended to read:

"75-6-111. Appeal from rule or standard -- injunction to require compliance. (1) A person aggrieved by a rule, standard, or order adopted or issued pursuant to this part may appeal to the district court. While the appeal is pending, the rule, standard, or order is in force.

(2) The department may seek an injunction from the appropriate district court to require compliance with this part or a rule or order issued as authorized by this part.

The court may award the department PREVAILING PARTY costs

and expenses incurred in investigating and abating the violation OR IN DEFENDING AGAINST AN ALLEGED VIOLATION. The department may also initiate an action to collect a criminal penalty as provided in 75-6-113."

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

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

NEW SECTION. Section 4. Effective date. This act is effective on passage and approval.

-End-

SECOND READING



1 HOUSE BILL NO. 187

2 INTRODUCED BY HARPER, POFF, ECK, B. BROWN

3 BY REQUEST OF THE DEPARTMENT OF
4 HEALTH AND ENVIRONMENTAL SCIENCES5
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9 INVESTIGATE--AND--ABATE IN INVESTIGATING AND ABATING
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11 AGAINST ALLEGATIONS OF VIOLATIONS OF THE ACT; AMENDING
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13 DATE."14
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10 existing authority of the department of health and
11 environmental sciences to make rules on the subject of the
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15 effective on passage and approval.

-End-

THIRD READING

STANDING COMMITTEE REPORT

SENATE

March 23 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 187

third reading copy (blue)
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(Senator Brown)

RECOVERY OF COSTS FOR ENFORCING PUBLIC WATER SUPPLY LAW

Respectfully report as follows: That HOUSE BILL No. 187

be amended as follows:

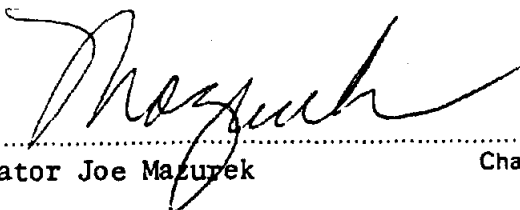
1. Title, line 8.
Following: "SCIENCES"
Strike: "PREVAILING PARTY"
Insert: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES"
2. Title, line 9.
Following: "ABATE"
Strike: "IN INVESTIGATING AND ABATING"
Insert: "BY IT TO INVESTIGATE AND ABATE"
3. Title, lines 10 and 11.
Following: "ACT" on line 10
Strike: remainder of line 10 through "ACT" on line 11
4. Page 1, line 25.
Following: "department"
Strike: "PREVAILING PARTY"
Insert: "department"
5. Page 2, line 2.
Following: "violation"
Strike: "OR IN DEFENDING AGAINST AN ALLEGED VIOLATION"

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~



.....
Senator Joe Mazurek Chairman.

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8 SCIENCES PREVAILING---PARTY DEPARTMENT OF HEALTH AND
9 ENVIRONMENTAL SCIENCES THE COSTS INCURRED BY---IT---TO
10 INVESTIGATE--AND-ABATE IN-INVESTIGATING-AND-ABATING BY IT TO
11 INVESTIGATE AND ABATE VIOLATIONS OF THE PUBLIC WATER SUPPLY
12 ACT OR-IN-DEPENDING-AGAINST-ALLEGATIONS-OF-VIOLATIONS-OF-THE
13 ACT; AMENDING SECTION 75-6-111, MCA; AND PROVIDING AN
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