# HOUSE BILL NO. 637

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# INTRODUCED BY IVERSON

### BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE HOUSE

February 2, 1985	Introduced and referred to Committee on Natural Resources.
February 22, 1985	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 26, 1985	Third reading, passed.
	Transmitted to Senate.
IN THE	SENATE
March 4, 1985	Introduced and referred to Committee on Natural Resources.
March 21, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 26, 1985	Third reading, concurred in. Ayes, 50; Noes, 0.
	Returned to House.

# IN THE HOUSE

March 27, 1985

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Received from Senate. Sent to enrolling. Reported correctly enrolled.

HOUSE BILL NO. 637 1 2 BY REQUEST OF THE DEPARTMENT OF STATE LANDS. 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE 5 FOR ENFORCEMENT OF THE ANNUAL FEE AND REPORTING REQUIREMENTS 6 UNDER THE HARD-ROCK MINING LAW; ELIMINATING THE CIVIL 7 8 PENALTY AND AUTHORIZING SUSPENSION OF THE PERMIT: AMENDING SECTIONS 82-4-361 AND 82-4-362, MCA." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 82-4-361, MCA, is amended to read: 12 "82-4-361. Violation -- penalties. (1) A person who 13 violates any of the provisions of this part or rules or 14 15 orders adopted under this part, except 82-4-339, shall pay a civil penalty of not less than \$100 or more than \$1,000 for 16 the violations and an additional civil penalty of not less 17 18 than \$100 or more than \$1,000 for each day during which a violation continues and may be enjoined from continuing such 19 violations as hereinafter provided in this section. These 20 21 penalties shall be recoverable in any action brought in the name of the state of Montana by the attorney general in the 22 district court of the first judicial district of this state 23 24 in and for the county of Lewis and Clark or in the district court having jurisdiction of the defendant. 25

1 (2) The attorney general shall, upon the request of 2 the department, sue for the recovery of the penalties 3 provided for in this section and bring an action for a 4 restraining order, temporary or permanent injunction against 5 an operator or other person violating or threatening to 6 violate an order adopted under this part."

7 Section 2. Section 82-4-362, MCA, is amended to read: 8 "82-4-362. Suspension of permits. (1) If any of the 9 requirements of this part or the rules or the reclamation plan have not been complied with within the time limits set 10 by the department or board or by this part, the department 11 12 shall serve a notice of noncompliance on the licensee or 13 permittee or, where found necessary, the commissioner shall order the suspension of the permit. The notice or order 14 15 shall be handed to the licensee or permittee in person or served by certified or registered mail addressed to the 16 17 permanent address shown on the application for a permit. The 18 notice of noncompliance shall specify in what respects the operator has failed to comply with this part, the rules, or 19 20 the reclamation plan.

(2) If the licensee or permittee has not complied with the requirements set forth in the notice of noncompliance or order of suspension within the time limits set therein, the permit may be revoked by order of the board and the performance bond forfeited to the department.

> INTRODUCED BILL HB 637

APPROVED BY COMM. ON NATURAL RESOURCES

1 HOUSE BILL NO. 637 2 INTRODUCED BY 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE 6 FOR ENFORCEMENT OF THE ANNUAL FEE AND REPORTING REQUIREMENTS 7 UNDER THE HARD-ROCK MINING LAW; ELIMINATING THE CIVIL

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

SECTIONS 82-4-361 AND 82-4-362, MCA."

PENALTY AND AUTHORIZING SUSPENSION OF THE PERMIT: AMENDING

12 Section 1. Section 82-4-361, MCA, is amended to read: 13 "82-4-361. Violation -- penalties. (1) A person who 14 violates any of the provisions of this part or rules or 15 orders adopted under this part, except 82-4-339, shall pay a civil penalty of not less than \$100 or more than \$1,000 for 16 the violations and an additional civil penalty of not less 17 than \$100 or more than \$1,000 for each day during which a 18 violation continues and may be enjoined from continuing such 19 20 violations as hereinafter provided in this section. These 21 penalties shall be recoverable in any action brought in the 22 name of the state of Montana by the attorney general in the 23 district court of the first judicial district of this state 24 in and for the county of Lewis and Clark or in the district 25 court having jurisdiction of the defendant.

LC 1724/01

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-2- SECOND READING HB 637

Wontana Legislative Council

1	(3) If a permittee fails to pay the fee or file the
2	report required under 82-4-339, the department shall serve
3	notice of this failure, by certified mail or personal
4	delivery, on the permittee. If the permittee does not comply
5	within 30 days of receipt of the notice, the commissioner
6	shall suspend the permit. The commissioner shall reinstate
7	the permit upon compliance."
8	NEW SECTION. Section 3. Extension of authority. Any
9	existing authority of the department of state lands to make

10 rules on the subject of the provisions of this act is
11 extended to the provisions of this act.

-End-

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untana Legislative Council

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THIRD READING -2-HB 637

1 (3) If a permittee fails to pay the fee or file the report required under 82-4-339, the department shall serve 2 notice of this failure, by certified mail or personal 3 4 delivery, on the permittee. If the permittee does not comply 5 within 30 days of receipt of the notice, the commissioner shall suspend the permit. The commissioner shall reinstate 6 the permit upon compliance." 7 NEW SECTION. Section 3. Extension of authority. Any 8

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REFERENCE BILL

Montana Legislative Council

HB 0637/02

HB 637

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