

HOUSE BILL NO. 637

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 concurrent 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

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 637
2 INTRODUCED BY Jensen
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
8 PENALTY AND AUTHORIZING SUSPENSION OF THE PERMIT; AMENDING
9 SECTIONS 82-4-361 AND 82-4-362, MCA."

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

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
16 civil penalty of not less than \$100 or more than \$1,000 for
17 the violations and an additional civil penalty of not less
18 than \$100 or more than \$1,000 for each day during which a
19 violation continues and may be enjoined from continuing such
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.

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
10 plan have not been complied with within the time limits set
11 by the department or board or by this part, the department
12 shall serve a notice of noncompliance on the licensee or
13 permittee or, where found necessary, the commissioner shall
14 order the suspension of the permit. The notice or order
15 shall be handed to the licensee or permittee in person or
16 served by certified or registered mail addressed to the
17 permanent address shown on the application for a permit. The
18 notice of noncompliance shall specify in what respects the
19 operator has failed to comply with this part, the rules, or
20 the reclamation plan.

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

APPROVED BY COMM. ON
NATURAL RESOURCES

1 HOUSE BILL NO. 637
2 INTRODUCED BY Jensen
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
8 PENALTY AND AUTHORIZING SUSPENSION OF THE PERMIT; AMENDING
9 SECTIONS 82-4-361 AND 82-4-362, MCA."
10

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

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
16 civil penalty of not less than \$100 or more than \$1,000 for
17 the violations and an additional civil penalty of not less
18 than \$100 or more than \$1,000 for each day during which a
19 violation continues and may be enjoined from continuing such
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.

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
10 plan have not been complied with within the time limits set
11 by the department or board or by this part, the department
12 shall serve a notice of noncompliance on the licensee or
13 permittee or, where found necessary, the commissioner shall
14 order the suspension of the permit. The notice or order
15 shall be handed to the licensee or permittee in person or
16 served by certified or registered mail addressed to the
17 permanent address shown on the application for a permit. The
18 notice of noncompliance shall specify in what respects the
19 operator has failed to comply with this part, the rules, or
20 the reclamation plan.

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

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-

1 HOUSE BILL NO. 637
 2 INTRODUCED BY Jason
 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
 8 PENALTY AND AUTHORIZING SUSPENSION OF THE PERMIT; AMENDING
 9 SECTIONS 82-4-361 AND 82-4-362, MCA."

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

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
 16 civil penalty of not less than \$100 or more than \$1,000 for
 17 the violations and an additional civil penalty of not less
 18 than \$100 or more than \$1,000 for each day during which a
 19 violation continues and may be enjoined from continuing such
 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.

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
 10 plan have not been complied with within the time limits set
 11 by the department or board or by this part, the department
 12 shall serve a notice of noncompliance on the licensee or
 13 permittee or, where found necessary, the commissioner shall
 14 order the suspension of the permit. The notice or order
 15 shall be handed to the licensee or permittee in person or
 16 served by certified or registered mail addressed to the
 17 permanent address shown on the application for a permit. The
 18 notice of noncompliance shall specify in what respects the
 19 operator has failed to comply with this part, the rules, or
 20 the reclamation plan.

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

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-

1 HOUSE BILL NO. 637

2 INTRODUCED BY IVERSON

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
8 PENALTY AND AUTHORIZING SUSPENSION OF THE PERMIT; AMENDING
9 SECTIONS 82-4-361 AND 82-4-362, MCA."

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

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
16 civil penalty of not less than \$100 or more than \$1,000 for
17 the violations and an additional civil penalty of not less
18 than \$100 or more than \$1,000 for each day during which a
19 violation continues and may be enjoined from continuing such
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.

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
10 plan have not been complied with within the time limits set
11 by the department or board or by this part, the department
12 shall serve a notice of noncompliance on the licensee or
13 permittee or, where found necessary, the commissioner shall
14 order the suspension of the permit. The notice or order
15 shall be handed to the licensee or permittee in person or
16 served by certified or registered mail addressed to the
17 permanent address shown on the application for a permit. The
18 notice of noncompliance shall specify in what respects the
19 operator has failed to comply with this part, the rules, or
20 the reclamation plan.

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

REFERENCE BILL

HB 637

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-