

HOUSE BILL NO. 638

INTRODUCED BY IVERSON, D. BROWN

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 27, 1985 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| March 6, 1985 | Introduced and referred to Committee on Natural Resources. |
| March 25, 1985 | Committee recommend bill be concurrent in. Report adopted. |
| March 28, 1985 | Second reading, concurred in. |
| March 30, 1985 | Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House. |

IN THE HOUSE

March 30, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 638
 2 INTRODUCED BY James Owen Bran
 3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
 6 PROVIDING EXEMPTIONS FOR SMALL MINERS FROM THE HARD-ROCK
 7 MINING LAW; PROHIBITING CERTAIN PERSONS, BUSINESS
 8 ASSOCIATIONS, PARTNERSHIPS, AND CORPORATIONS FROM OBTAINING
 9 SMALL-MINER EXEMPTIONS; SUBSTITUTING A CIVIL PENALTY FOR
 10 FAILURE TO COMPLY WITH THE CONDITIONS OF A SMALL-MINER
 11 EXEMPTION; AMENDING SECTIONS 82-4-303, 82-4-305, AND
 12 82-4-361, MCA."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 82-4-303, MCA, is amended to read:
 16 "82-4-303. Definitions. As used in this part, unless
 17 the context indicates otherwise, the following definitions
 18 apply:

19 (1) "Abandonment of surface or underground mining" may
 20 be presumed when it is shown that continued operation will
 21 not resume.

22 (2) "Board" means the board of land commissioners or
 23 such state employee or state agency as may succeed to its
 24 powers and duties under this part.

25 (3) "Department" means the department of state lands.

1 (4) "Disturbed land" means that area of land or
 2 surface water disturbed, beginning at the date of the
 3 issuance of the permit, and it comprises that area from
 4 which the overburden or minerals have been removed and
 5 tailings ponds, waste dumps, roads, conveyor systems, leach
 6 dumps, and all similar excavations or covering resulting
 7 from the operation and which have not been previously
 8 reclaimed under the reclamation plan.

9 (5) "Exploration" means all activities conducted on or
 10 beneath the surface of lands resulting in material
 11 disturbance of the surface for the purpose of determining
 12 the presence, location, extent, depth, grade, and economic
 13 viability of mineralization in those lands, if any, other
 14 than mining for production and economic exploitation, as
 15 well as all roads made for the purpose of facilitating
 16 exploration, except as noted in 82-4-305 and 82-4-310.

17 (6) "Mineral" means any ore, rock, or substance, other
 18 than oil, gas, bentonite, clay, coal, sand, gravel,
 19 phosphate rock, or uranium, taken from below the surface or
 20 from the surface of the earth for the purpose of milling,
 21 concentration, refinement, smelting, manufacturing, or other
 22 subsequent use or processing or for stockpiling for future
 23 use, refinement, or smelting.

24 (7) "Mining" commences at such time as the operator
 25 first mines ores or minerals in commercial quantities for

1 sale, beneficiation, refining, or other processing or
2 disposition or first takes bulk samples for metallurgical
3 testing in excess of aggregate of 10,000 short tons.

4 (8) "Person" means any person, corporation, firm,
5 association, partnership, or other legal entity engaged in
6 exploration for or development or mining of minerals on or
7 below the surface of the earth.

8 (9) "Reclamation plan" means the operator's written
9 proposal, as required and approved by the board, for
10 reclamation of the land that will be disturbed, which
11 proposal shall include, to the extent practical at the time
12 of application for an operating permit:

13 (a) a statement of the proposed subsequent use of the
14 land after reclamation;

15 (b) plans for surface gradient restoration to a
16 surface suitable for the proposed subsequent use of the land
17 after reclamation is completed and the proposed method of
18 accomplishment;

19 (c) the manner and type of revegetation or other
20 surface treatment of disturbed areas;

21 (d) procedures proposed to avoid foreseeable
22 situations of public nuisance, endangerment of public
23 safety, damage to human life or property, or unnecessary
24 damage to flora and fauna in or adjacent to the area;

25 (e) the method of disposal of mining debris;

1 (f) the method of diverting surface waters around the
2 disturbed areas where necessary to prevent pollution of
3 those waters or unnecessary erosion;

4 (g) the method of reclamation of stream channels and
5 stream banks to control erosion, siltation, and pollution;

6 (h) such maps and other supporting documents as may be
7 reasonably required by the department; and

8 (i) a time schedule for reclamation that meets the
9 requirements of 82-4-336.

10 (10) (a) "Small miner" means a person, firm, or
11 corporation that engages in the business of mining, that
12 does not remove from the earth during any calendar year
13 material in excess of 36,500 tons in the aggregate, that
14 holds no operating permit under 82-4-335, and that conducts:

15 (i) operations resulting in not more than 5 acres of
16 the earth's surface being disturbed and unreclaimed; or

17 (ii) two operations which disturb and leave unreclaimed
18 less than 5 acres per operation if the respective mining
19 properties are:

20 (A) the only operations engaged in by the person,
21 firm, or corporation;

22 (B) at least 1 mile apart at their closest point; and

23 (C) not operated simultaneously except during seasonal
24 transitional periods not to exceed 30 days.

25 (b) For the purpose of this definition only, the

1 department shall, in computing the area covered by the
 2 operation, exclude access or haulage roads that are required
 3 by a local, state, or federal agency having jurisdiction
 4 over that road to be constructed to certain specifications
 5 if that public agency notifies the department in writing
 6 that it desires to have the road remain in use and will
 7 maintain it after mining or exploration ceases.

8 (11) "Surface mining" means all or any part of the
 9 process involved in mining of minerals by removing the
 10 overburden and mining directly from the mineral deposits
 11 thereby exposed, including but not limited to open-pit
 12 mining of minerals naturally exposed at the surface of the
 13 earth, mining by the auger method, and all similar methods
 14 by which earth or minerals exposed at the surface are
 15 removed in the course of mining. Surface mining does not
 16 include the extraction of oil, gas, bentonite, clay, coal,
 17 sand, gravel, phosphate rock, or uranium or excavation or
 18 grading conducted for on-site farming, on-site road
 19 construction, or other on-site building construction.

20 (12) "Underground mining" means all methods of mining
 21 other than surface mining.

22 (13) "Unit of surface-mined area" means that area of
 23 land and surface water included within an operating permit
 24 actually disturbed by surface mining during each 12-month
 25 period of time, beginning at the date of the issuance of the

1 permit, and it comprises and includes the area from which
 2 overburden or minerals have been removed, the area covered
 3 by mining debris, and all additional areas used in surface
 4 mining or underground mining operations which by virtue of
 5 such use are thereafter susceptible to erosion in excess of
 6 the surrounding undisturbed portions of land.

7 (14) "Vegetative cover" means the type of vegetation,
 8 grass, shrubs, trees, or any other form of natural cover
 9 considered suitable at time of reclamation."

10 Section 2. Section 82-4-305, MCA, is amended to read:

11 "82-4-305. Exemption -- small miners -- written
 12 agreement. (1) No provisions of this part shall apply to any
 13 small miner when the small miner annually agrees in writing:

14 (a) that he shall not pollute or contaminate any
 15 stream;

16 (b) that he shall provide protection for human and
 17 animal life through the installation of bulkheads installed
 18 over safety collars and the installation of doors on tunnel
 19 portals; and

20 (c) he shall provide a map locating his mining
 21 operations. Such map shall be to a size and scale as
 22 determined by the department.

23 ~~(2) -- Failure to comply with the regulations -- stipulated~~
 24 ~~in -- this -- section -- will -- constitute -- a -- misdemeanor, -- and -- this~~
 25 ~~offense -- will -- subject -- the -- owners -- or -- operators -- of -- said -- project~~

1 ~~to a fine of not less than \$10 or more than \$100, payable to~~
 2 ~~the department of revenue of the state of Montana or any~~
 3 ~~board, commission, or person authorized to collect said~~
 4 ~~fine.~~

5 (2) For small-miner exemptions obtained after
 6 September 30, 1985, no small miner may obtain or continue an
 7 exemption under subsection (1) unless he annually certifies
 8 in writing:

9 (a) if the small miner is a natural person, that:

10 (i) no business association or partnership of which he
 11 is a member or partner has a small-miner exemption; and

12 (ii) no corporation of which he is an officer,
 13 director, or owner of record of 25% or more of any class of
 14 voting stock has a small-miner exemption; or

15 (b) if the small miner is a partnership or business
 16 association, that:

17 (i) none of the associates or partners holds a
 18 small-miner exemption; and

19 (ii) none of the associates or partners is an officer,
 20 director, or owner of 25% or more of any class of voting
 21 stock of a corporation that has a small-miner exemption; or

22 (c) if the small miner is a corporation, that no
 23 officer, director, or owner of record of 25% or more of any
 24 class of voting stock of the corporation:

25 (i) holds a small-miner exemption;

1 (ii) is a member or partner in a business association
 2 or partnership that holds a small-miner exemption;

3 (iii) is an officer, director, or owner of record of
 4 25% or more of any class of voting stock of another
 5 corporation that holds a small-miner exemption."

6 Section 3. Section 82-4-361, MCA, is amended to read:

7 "82-4-361. Violation -- penalties. (1) A person who
 8 violates any of the provisions of this part or rules or
 9 orders adopted under this part or conditions of a
 10 small-miner exemption shall pay a civil penalty of not less
 11 than \$100 or more than \$1,000 for the violations and an
 12 additional civil penalty of not less than \$100 or more than
 13 \$1,000 for each day during which a violation continues and
 14 may be enjoined from continuing such violations as
 15 hereinafter provided in this section. These penalties shall
 16 be recoverable in any action brought in the name of the
 17 state of Montana by the attorney general in the district
 18 court of the first judicial district of this state in and
 19 for the county of Lewis and Clark or in the district court
 20 having jurisdiction of the defendant.

21 (2) The attorney general shall, upon the request of
 22 the department, sue for the recovery of the penalties
 23 provided for in this section and bring an action for a
 24 restraining order, temporary or permanent injunction against
 25 an operator or other person violating or threatening to

1 violate an order adopted under this part."

2 NEW SECTION. Section 4. Extension of authority. Any
3 existing authority of the board of land commissioners or
4 department of state lands to make rules on the subject of
5 the provisions of this act is extended to the provisions of
6 this act.

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APPROVED BY COMM. ON
NATURAL RESOURCES

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW PROVIDING EXEMPTIONS FOR SMALL MINERS FROM THE HARD-ROCK MINING LAW; PROHIBITING CERTAIN PERSONS, BUSINESS ASSOCIATIONS, PARTNERSHIPS, AND CORPORATIONS FROM OBTAINING SMALL-MINER EXEMPTIONS; SUBSTITUTING A CIVIL PENALTY FOR FAILURE TO COMPLY WITH THE CONDITIONS OF A SMALL-MINER EXEMPTION; AMENDING SECTIONS 82-4-303, 82-4-305, AND 82-4-361, MCA."

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- (3) "Department" means the department of state lands.

(4) "Disturbed land" means that area of land or surface water disturbed, beginning at the date of the issuance of the permit, and it comprises that area from which the overburden or minerals have been removed and tailings ponds, waste dumps, roads, conveyor systems, leach dumps, and all similar excavations or covering resulting from the operation and which have not been previously reclaimed under the reclamation plan.

(5) "Exploration" means all activities conducted on or beneath the surface of lands resulting in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation, as well as all roads made for the purpose of facilitating exploration, except as noted in 82-4-305 and 82-4-310.

(6) "Mineral" means any ore, rock, or substance, other than oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock, or uranium, taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future use, refinement, or smelting.

(7) "Mining" commences at such time as the operator first mines ores or minerals in commercial quantities for



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3 testing in excess of aggregate of 10,000 short tons.

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23 ~~(2) -- Failure to comply with the regulations -- stipulated~~
 24 ~~in this section will constitute a misdemeanor, and this~~
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~~to a fine of not less than \$10 or more than \$100, payable to the department of revenue of the state of Montana or any board, commission, or person authorized to collect said fine.~~

(2) For small-miner exemptions obtained after September 30, 1985, no small miner may obtain or continue an exemption under subsection (1) unless he annually certifies in writing:

(a) if the small miner is a natural person, that:

(i) no business association or partnership of which he is a member or partner has a small-miner exemption; and

(ii) no corporation of which he is an officer, director, or owner of record of 25% or more of any class of voting stock has a small-miner exemption; or

(b) if the small miner is a partnership or business association, that:

(i) none of the associates or partners holds a small-miner exemption; and

(ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class of voting stock of a corporation that has a small-miner exemption; or

(c) if the small miner is a corporation, that no officer, director, or owner of record of 25% or more of any class of voting stock of the corporation:

(i) holds a small-miner exemption;

(ii) is a member or partner in a business association or partnership that holds a small-miner exemption;

(iii) is an officer, director, or owner of record of 25% or more of any class of voting stock of another corporation that holds a small-miner exemption."

Section 3. Section 82-4-361, MCA, is amended to read:

"82-4-361. Violation -- penalties. (1) A person who violates any of the provisions of this part or rules or orders adopted under this part or conditions of a small-miner exemption shall pay a civil penalty of not less than \$100 or more than \$1,000 for the violations and an additional civil penalty of not less than \$100 or more than \$1,000 for each day during which a violation continues and may be enjoined from continuing such violations as hereinafter provided in this section. These penalties shall be recoverable in any action brought in the name of the state of Montana by the attorney general in the district court of the first judicial district of this state in and for the county of Lewis and Clark or in the district court having jurisdiction of the defendant.

(2) The attorney general shall, upon the request of the department, sue for the recovery of the penalties provided for in this section and bring an action for a restraining order, temporary or permanent injunction against an operator or other person violating or threatening to

1 violate an order adopted under this part."

2 NEW SECTION. Section 4. Extension of authority. Any
3 existing authority of the board of land commissioners or
4 department of state lands to make rules on the subject of
5 the provisions of this act is extended to the provisions of
6 this act.

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LC 1726/01

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
6 PROVIDING EXEMPTIONS FOR SMALL MINERS FROM THE HARD-ROCK
7 MINING LAW; PROHIBITING CERTAIN PERSONS, BUSINESS
8 ASSOCIATIONS, PARTNERSHIPS, AND CORPORATIONS FROM OBTAINING
9 SMALL-MINER EXEMPTIONS; SUBSTITUTING A CIVIL PENALTY FOR
10 FAILURE TO COMPLY WITH THE CONDITIONS OF A SMALL-MINER
11 EXEMPTION; AMENDING SECTIONS 82-4-303, 82-4-305, AND
12 82-4-361, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 82-4-303, MCA, is amended to read:

16 "82-4-303. Definitions. As used in this part, unless
17 the context indicates otherwise, the following definitions
18 apply:19 (1) "Abandonment of surface or underground mining" may
20 be presumed when it is shown that continued operation will
21 not resume.22 (2) "Board" means the board of land commissioners or
23 such state employee or state agency as may succeed to its
24 powers and duties under this part.

25 (3) "Department" means the department of state lands.

1 (4) "Disturbed land" means that area of land or
2 surface water disturbed, beginning at the date of the
3 issuance of the permit, and it comprises that area from
4 which the overburden or minerals have been removed and
5 tailings ponds, waste dumps, roads, conveyor systems, leach
6 dumps, and all similar excavations or covering resulting
7 from the operation and which have not been previously
8 reclaimed under the reclamation plan.

9 (5) "Exploration" means all activities conducted on or
10 beneath the surface of lands resulting in material
11 disturbance of the surface for the purpose of determining
12 the presence, location, extent, depth, grade, and economic
13 viability of mineralization in those lands, if any, other
14 than mining for production and economic exploitation, as
15 well as all roads made for the purpose of facilitating
16 exploration, except as noted in 82-4-305 and 82-4-310.

17 (6) "Mineral" means any ore, rock, or substance, other
18 than oil, gas, bentonite, clay, coal, sand, gravel,
19 phosphate rock, or uranium, taken from below the surface or
20 from the surface of the earth for the purpose of milling,
21 concentration, refinement, smelting, manufacturing, or other
22 subsequent use or processing or for stockpiling for future
23 use, refinement, or smelting.

24 (7) "Mining" commences at such time as the operator
25 first mines ores or minerals in commercial quantities for

1 sale, beneficiation, refining, or other processing or
2 disposition or first takes bulk samples for metallurgical
3 testing in excess of aggregate of 10,000 short tons.

4 (8) "Person" means any person, corporation, firm,
5 association, partnership, or other legal entity engaged in
6 exploration for or development or mining of minerals on or
7 below the surface of the earth.

8 (9) "Reclamation plan" means the operator's written
9 proposal, as required and approved by the board, for
10 reclamation of the land that will be disturbed, which
11 proposal shall include, to the extent practical at the time
12 of application for an operating permit:

13 (a) a statement of the proposed subsequent use of the
14 land after reclamation;

15 (b) plans for surface gradient restoration to a
16 surface suitable for the proposed subsequent use of the land
17 after reclamation is completed and the proposed method of
18 accomplishment;

19 (c) the manner and type of revegetation or other
20 surface treatment of disturbed areas;

21 (d) procedures proposed to avoid foreseeable
22 situations of public nuisance, endangerment of public
23 safety, damage to human life or property, or unnecessary
24 damage to flora and fauna in or adjacent to the area;

25 (e) the method of disposal of mining debris;

1 (f) the method of diverting surface waters around the
2 disturbed areas where necessary to prevent pollution of
3 those waters or unnecessary erosion;

4 (g) the method of reclamation of stream channels and
5 stream banks to control erosion, siltation, and pollution;

6 (h) such maps and other supporting documents as may be
7 reasonably required by the department; and

8 (i) a time schedule for reclamation that meets the
9 requirements of 82-4-336.

10 (10) (a) "Small miner" means a person, firm, or
11 corporation that engages in the business of mining, that
12 does not remove from the earth during any calendar year
13 material in excess of 36,500 tons in the aggregate, that
14 holds no operating permit under 82-4-335, and that conducts:

15 (i) operations resulting in not more than 5 acres of
16 the earth's surface being disturbed and unreclaimed; or

17 (ii) two operations which disturb and leave unreclaimed
18 less than 5 acres per operation if the respective mining
19 properties are:

20 (A) the only operations engaged in by the person,
21 firm, or corporation;

22 (B) at least 1 mile apart at their closest point; and

23 (C) not operated simultaneously except during seasonal
24 transitional periods not to exceed 30 days.

25 (b) For the purpose of this definition only, the

1 department shall, in computing the area covered by the
 2 operation, exclude access or haulage roads that are required
 3 by a local, state, or federal agency having jurisdiction
 4 over that road to be constructed to certain specifications
 5 if that public agency notifies the department in writing
 6 that it desires to have the road remain in use and will
 7 maintain it after mining or-exploration ceases.

8 (11) "Surface mining" means all or any part of the
 9 process involved in mining of minerals by removing the
 10 overburden and mining directly from the mineral deposits
 11 thereby exposed, including but not limited to open-pit
 12 mining of minerals naturally exposed at the surface of the
 13 earth, mining by the auger method, and all similar methods
 14 by which earth or minerals exposed at the surface are
 15 removed in the course of mining. Surface mining does not
 16 include the extraction of oil, gas, bentonite, clay, coal,
 17 sand, gravel, phosphate rock, or uranium or excavation or
 18 grading conducted for on-site farming, on-site road
 19 construction, or other on-site building construction.

20 (12) "Underground mining" means all methods of mining
 21 other than surface mining.

22 (13) "Unit of surface-mined area" means that area of
 23 land and surface water included within an operating permit
 24 actually disturbed by surface mining during each 12-month
 25 period of time, beginning at the date of the issuance of the

1 permit, and it comprises and includes the area from which
 2 overburden or minerals have been removed, the area covered
 3 by mining debris, and all additional areas used in surface
 4 mining or underground mining operations which by virtue of
 5 such use are thereafter susceptible to erosion in excess of
 6 the surrounding undisturbed portions of land.

7 (14) "Vegetative cover" means the type of vegetation,
 8 grass, shrubs, trees, or any other form of natural cover
 9 considered suitable at time of reclamation."

10 Section 2. Section 82-4-305, MCA, is amended to read:

11 "82-4-305. Exemption -- small miners -- written
 12 agreement. (1) No provisions of this part shall apply to any
 13 small miner when the small miner annually agrees in writing:

14 (a) that he shall not pollute or contaminate any
 15 stream;

16 (b) that he shall provide protection for human and
 17 animal life through the installation of bulkheads installed
 18 over safety collars and the installation of doors on tunnel
 19 portals; and

20 (c) he shall provide a map locating his mining
 21 operations. Such map shall be to a size and scale as
 22 determined by the department.

23 ~~(2) -- Failure to comply with the regulations -- stipulated~~
 24 ~~in this section will constitute a misdemeanor, and this~~
 25 ~~offense will subject the owners or operators of said project~~

1 ~~to a fine of not less than \$10 or more than \$100, payable to~~
 2 ~~the department of revenue of the state of Montana or any~~
 3 ~~board, commission, or person authorized to collect said~~
 4 ~~fine.~~

5 (2) For small-miner exemptions obtained after
 6 September 30, 1985, no small miner may obtain or continue an
 7 exemption under subsection (1) unless he annually certifies
 8 in writing:

9 (a) if the small miner is a natural person, that:

10 (i) no business association or partnership of which he
 11 is a member or partner has a small-miner exemption; and

12 (ii) no corporation of which he is an officer,
 13 director, or owner of record of 25% or more of any class of
 14 voting stock has a small-miner exemption; or

15 (b) if the small miner is a partnership or business
 16 association, that:

17 (i) none of the associates or partners holds a
 18 small-miner exemption; and

19 (ii) none of the associates or partners is an officer,
 20 director, or owner of 25% or more of any class of voting
 21 stock of a corporation that has a small-miner exemption; or

22 (c) if the small miner is a corporation, that no
 23 officer, director, or owner of record of 25% or more of any
 24 class of voting stock of the corporation:

25 (i) holds a small-miner exemption;

1 (ii) is a member or partner in a business association
 2 or partnership that holds a small-miner exemption;

3 (iii) is an officer, director, or owner of record of
 4 25% or more of any class of voting stock of another
 5 corporation that holds a small-miner exemption."

6 Section 3. Section 82-4-361, MCA, is amended to read:

7 "82-4-361. Violation -- penalties. (1) A person who
 8 violates any of the provisions of this part or rules or
 9 orders adopted under this part or conditions of a
 10 small-miner exemption shall pay a civil penalty of not less
 11 than \$100 or more than \$1,000 for the violations and an
 12 additional civil penalty of not less than \$100 or more than
 13 \$1,000 for each day during which a violation continues and
 14 may be enjoined from continuing such violations as
 15 hereinafter provided in this section. These penalties shall
 16 be recoverable in any action brought in the name of the
 17 state of Montana by the attorney general in the district
 18 court of the first judicial district of this state in and
 19 for the county of Lewis and Clark or in the district court
 20 having jurisdiction of the defendant.

21 (2) The attorney general shall, upon the request of
 22 the department, sue for the recovery of the penalties
 23 provided for in this section and bring an action for a
 24 restraining order, temporary or permanent injunction against
 25 an operator or other person violating or threatening to

1 violate an order adopted under this part."

2 NEW SECTION. Section 4. Extension of authority. Any
3 existing authority of the board of land commissioners or
4 department of state lands to make rules on the subject of
5 the provisions of this act is extended to the provisions of
6 this act.

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