

SENATE BILL NO. 275

INTRODUCED BY WELDON, ELLIOTT, YELLOWTAIL,
FAGG, HARPER, SCHWINDEN, VAN VALKENBURG,
BECK, JERGESON

IN THE SENATE

JANUARY 29, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 10, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 11, 1993	PRINTING REPORT.
FEBRUARY 12, 1993	SECOND READING, DO PASS.
FEBRUARY 13, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 13, 1993	SECOND READING, CONCURRED IN.
MARCH 16, 1993	THIRD READING, CONCURRED IN. AYES, 69; NOES, 30.
MARCH 17, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 19, 1993	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 20, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Senate BILL NO. **275**

1
2 INTRODUCED BY *J. A. Welton* *Yellowtail*
3 *Jay Schuler* *Van Vleet* *Back* *Gargen*
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON
5 WHO INITIATES A STREAMBED MODIFICATION PROJECT WITHOUT
6 CONSENT IS SUBJECT TO A CIVIL PENALTY AS WELL AS A CRIMINAL
7 PENALTY; PROVIDING FOR DISPOSITION OF PENALTY PROCEEDS;
8 PROVIDING THAT PENALTY PROCEEDS MAY NOT BE USED TO REDUCE
9 CONSERVATION DISTRICT ASSESSMENTS; AND AMENDING SECTION
10 75-7-123, MCA."

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

13 **Section 1.** Section 75-7-123, MCA, is amended to read:

14 "75-7-123. Initiating project without consent --
15 penalty penalties -- restoration -- disposition of penalty
16 proceeds. (1) Any person initiating a project without
17 written consent of the supervisors is guilty of a
18 misdemeanor and upon conviction shall be punished by a fine
19 of not less than \$25 or more than \$500 or by a civil penalty
20 of not less than \$25 or more than \$500, or both, for each
21 day that person continues to physically alter or modify the
22 stream, and in addition, that person shall restore, at the
23 discretion of the court, the damaged stream, as recommended
24 by the team and approved by the supervisors, to as near its
25 prior condition as possible.

1 (2) Civil penalties collected under subsection (1) must
2 be deposited in the same manner as county tax funds under
3 76-15-523. A district in which a violation occurs must upon
4 demand receive all or a portion of the money deposited under
5 this subsection and shall deposit the money in a bank or
6 financial institution for use by the district.
7 (3) Money collected and deposited under this section
8 may not be used by a board of county commissioners to reduce
9 the assessments required by Title 76, chapter 15, part 5, to
10 fund a district."

-End-



SB 275
INTRODUCED BILL

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0275, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act providing that a person who initiates a streambed modification project without consent is subject to a civil penalty as well as a criminal penalty; providing for disposition of penalty proceeds, which may not be used to reduce conservation district assessments.

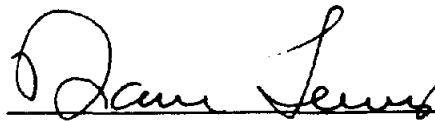
ASSUMPTIONS:

1. All cases that result from this bill will be handled by county attorneys.
2. Although one-half of the county attorney salaries and benefits are paid with general fund, it is assumed the workload from the proposed bill will not cause any general fund increases.

FISCAL IMPACT:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: Conservation districts will be able to prosecute violators more easily under civil penalty because county attorneys hesitate to prosecute under criminal penalty. This would potentially reduce number of violations, and thus benefit stream habitat.

 2-4-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/5/93
JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0275, as introduced

SB 275

APPROVED BY COMM. ON
NATURAL RESOURCES

SENATE BILL NO. 275

INTRODUCED BY WELDON, ELLIOTT, YELLOWTAIL,

PAGG, HARPER, SCHWINDEN, VAN VALKENBURG,

BECK, JERGESON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON WHO INITIATES A STREAMBED MODIFICATION PROJECT WITHOUT CONSENT IS SUBJECT TO A CIVIL PENALTY AS WELL AS A CRIMINAL PENALTY; PROVIDING--FOR--DISPOSITION--OF--PENALTY--PROCEEDS; PROVIDING THAT PENALTY PROCEEDS MAY NOT BE USED TO REDUCE CONSERVATION DISTRICT ASSESSMENTS; AND AMENDING SECTION 75-7-123, MCA."

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

Section 1. Section 75-7-123, MCA, is amended to read:

"75-7-123. Initiating project without consent -- penalty penalties -- restoration ---disposition-of--penalty proceeds. (1) Any person initiating a project without written consent of the supervisors is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25 or more than \$500 or by a civil penalty of not less than \$25 or more than \$500, or both, for each day that person continues to physically alter or modify the stream, and in addition, that person shall restore, at the discretion of the court, the damaged stream, as recommended

by the team and approved by the supervisors, to as near its prior condition as possible.

{2}--Civil penalties collected under subsection {1} must be deposited in the same manner as county tax funds under 76-15-523. A district in which a violation occurs must upon demand receive all or a portion of the money deposited under this subsection and shall deposit the money in a bank or financial institution for use by the district.

{3}(2) Money collected and deposited under this section may not be used by a board of county commissioners to reduce the assessments required by Title 76, chapter 15, part 5, to fund a district."

-End-

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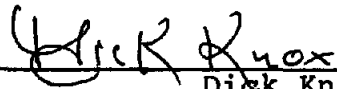
-End-

HOUSE STANDING COMMITTEE REPORT

March 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 275 (third reading copy -- blue) be concurred in as amended.

Signed: 
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Fagg

1. Title, line 8.

Strike: "AS WELL AS"

Insert: "OR"

2. Title, lines 10 and 11.

Strike: "PROVIDING" on line 10 through "ASSESSMENTS;" on line 11

3. Page 1, line 18.

Strike: "(1)"

4. Page 1, line 22.

Strike: ", or both,"

5. Page 2, lines 9 through 12.

Strike: Subsection (2) in its entirety

-END-

HOUSE

Committee Vote:

Yes 13 No 3.

SB 275
531514SC.Hpf

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-End-