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Amendments to House Bill No. 453
3rd Reading Copy

SENATE NATURAL RESOURCES
EMENDIT NO. 1
DATE 3/18/05
BILL NO. HB 453

For the Senate Natural Resources Committee

Prepared by Krista Lee Evans
March 18, 2005 (10:10am)

1. Page 6.

Following: line 11

Insert: "COORDINATION SECTION. Section 9. Coordination instruction. If both House Bill No. 429 and [this act] are passed and approved, then the amendments to 75-10-228 in both House Bill No. 429 and [this act] are void and 75-10-228 must read as follows:

"75-10-228. **Civil penalties.** (1) A person who violates any a provision of this part, a rule adopted or an order issued under this part, or a license provision is subject to an administrative penalty not to exceed \$250 or a civil penalty not to exceed \$1,000. Each day of violation constitutes a separate violation.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. The enforcement or collection action must be brought in the district court of the county in which the violation occurred or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County. Upon request of the department, the attorney general or the county attorney of the county where the violation occurred shall petition the district court to impose, assess, and recover the civil penalty.

(3) Penalties assessed under this section must be determined in accordance with the penalty factors in [section 1 of House Bill No. 429].

~~(3)(4) Fines and penalties collected for violations of this part under this section must be deposited in the solid waste management account provided for in 75-10-117."~~

Insert: "COORDINATION SECTION. Section 10. Coordination instruction. If both House Bill No. 429 and [this act] are passed and approved, then the amendments to 75-10-542 in both House Bill No. 429 and [this act] are void and 75-10-542 must read as follows:

"75-10-542. **Penalties.** (1) A person who willfully purposely or knowingly violates this part, except 75-10-520, is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$250, be imprisoned in the county jail for a term not to exceed 30 days, or both.

(2) A person who violates a provision of this part, except 75-10-520, a rule of the department, or an order issued as provided in this part ~~shall be~~ is subject to an administrative penalty of not more than \$250 or a civil penalty of not more than \$50 \$1,000. Each day upon which a violation of this part, or a

rule, or an order occurs is a separate violation.

(3) Penalties assessed under subsection (2) must be determined in accordance with the penalty factors in [section 1 of House Bill No. 429]. The penalties provided for in this section are recoverable in an enforcement or collection action brought by the department. An action to recover penalties must be brought in the district court of the county in which the violation occurred or, if mutually agreed on by the parties in the action, in the district court of the first judicial district, Lewis and Clark County."

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If House Bill No. 429 and [this act] are passed and approved, then [section 19(2)] of House Bill No. 429 is void."

Renumber: subsequent sections

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