

SENATE BILL NO. 296

INTRODUCED BY B. TUTVEDT

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A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE CIVIL PENALTY FOR VIOLATION OF THE MONTANA QUARANTINE AND PEST MANAGEMENT ACT; AMENDING SECTION 80-7-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 80-7-404, MCA, is amended to read:

"80-7-404. Penalty. (1) A person who violates the quarantines, procedures, or rules of the department adopted under 80-7-402 commits a civil offense and is subject to a civil penalty of not more than ~~\$1,000~~ \$5,000 for each violation.

(2) Assessment of a civil penalty may be made in conjunction with another warning, order, or administrative action authorized by this part. A civil penalty collected under this section must be deposited in the general fund.

(3) The department shall establish by rule:

(a) a penalty schedule that establishes the types of penalties and the amounts, not to exceed ~~\$1,000~~ \$5,000, for initial and subsequent offenses; and

(b) other matters necessary for the enforcement of civil penalties.

(4) This section may not be construed as requiring the department or its agents to report violations of 80-7-402 when the department believes that the public interest will be best served by a suitable notice of warning."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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