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LC 0479/01

ı	H BILL NO. 477
2	INTRODUCED BY _ forenaction
3	REQUESTED BY THE DEPARTMENT OF NATURAL RESOURCES
4	AND CONSERVATION
5	
6	A BILL FOR AN ACT ENTITLED: MAN ACT TO AMEND SECTIONS
7	89-318, 89-320, AND 89-322, R.C.M. 1947, TO PROVIDE THAT THE
8	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RATHER THAN
9	THE APPLICANT FOR A WEATHER MODIFICATION PERMIT SHALL
10	PUBLISH THE NOTICE OF INTENTION; AND PROVIDING AN IMMEDIATE
11	EFFECTIVE DATE."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 89-318, R.C.M. 1947, is amended to
15	read as follows:
16	#89-318. Issuance of permits requirements for
17	permit hearing. (1) The permits shall be issued in
18	accordance with procedures and subject to conditions the
19	board may by rule establish to effectuate this chapter.
20	only:
21	(a) if the applicant is licensed pursuant to this
22	chapter;
23	(b) if sufficient notice of intention is published and
24	proof-of-publication-is-filed-as-required-in-section-89-322;
25	(c) if an applicant furnishes proof of financial

INTRODUCED BILL

L responsibility in an amount to be determined by the board as required in section 69-323; 2

(d) if the fee for the permit is paid as required in 3 section 89-324; 4

ž (e) if the weather modification and control activities to be conducted are determined by the board to be for the 6 7 general welfare and the public good.

8 (2) The department shall hold a public hearing in the 9 area to be affected by the issuance of the permit, if the 10 board determines that a hearing is necessary. The department 11 may in its discretion assess the permit applicant for the 12 costs incurred by the department in holding the hearing."

13 Section 2. Section 89-320, R.C.M. 1947, is amended to 14 read as follows:

15 \*89-320. Notice of intention to apply for permit --16 activities limited by terms of permit. Before undertaking any weather modification and control activities, the 17 applicant for a permit shall file with the departmenty-and 18 19 also-have-publishedy a notice of intention. If a permit is issued, the holder of the permit shall confine his 20 21 activities to the time and area limits set forth in the notice of intention, unless modified by the board. His 22 activities shall conform to any conditions imposed by the 23 board. The permit may not be sold or transferred." 24

25 Section 3. Section 89-322, R.C.M. 1947, is amended to

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1 read as follows:

z \*89-322. Publication of notice of intention. (1) The 3 applicant department shall have the notice of intention, or 4 that portion thereof including the items specified in 5 section 89-321, published at least once a week for two-f2; 6 consecutive weeks in a newspaper having a general 7 circulation and published within any county in which the operation is to be conducted and in which the affected area 8 9 is located, or, if the operation is to be conducted in more 10 than one (1) county or if the affected area is located in 11 more than one {++ county or is located in a county other 12 than the one in which the operation is to be conducted, then 13 in newspapers having a general circulation and published within each of the counties. 14

15 (2) Proof--of-publicationy-made-in-the-manner-provided 16 by-lawy-shall-be-filed-by-the-applicant-with-the--department 17 sooner--than--the--sixteenth--day-after-the-date-of-the-last 18 publication-of-the-notice. The applicant shall reimburse the 19 department for the costs of publication of the notice of 20 intention."

Section 4. Effective date. This act is effective on
 its passage and approval.

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## STATE OF MONTANA

REQUEST NO. 440-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received <u>February 8</u>, 19 <u>77</u>, there is hereby submitted a Fiscal Note for <u>House Bill 477</u> pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 477 provides that the Department of Natural Resources, and not the applicant for a weather modification permit, shall publish the notice of intention.

## FISCAL IMPACT:

None. Advertising costs could be absorbed by the Department of Natural Resources and Conservation.

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BUDGET DIRECTOR  $\sim$ Office of Budget and Program Planning Date: <u>2-/4-77</u>

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Approved by Committee

on Judiciary

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read as follows:

16 "89-318. Issuance of permits -- requirements for 17 permit -- hearing. (1) The permits shall be issued in 18 accordance with procedures and subject to conditions the 19 board may by rule establish to effectuate this chapter. 20 only:

21 (a) if the applicant is licensed pursuant to this22 chapter;

(b) if sufficient notice of intention is published and
 proof-of-publication-is-filed-as-required-in-section-89-322;
 (c) if an applicant furnishes proof of financial

SECOND READING

responsibility in an amount to be determined by the board as required in section 89-323; (d) if the fee for the permit is paid as required in section 89-324; (e) if the weather modification and control activities to be conducted are determined by the board to be for the general welfare and the public good. (2) The department shall hold a public hearing in the area to be affected by the issuance of the permit, if the board determines that a hearing is necessary. The department may in its discretion assess the permit applicant for the costs incurred by the department in holding the hearing." Section 2. Section 89-320. R.C.M. 1947. is amended to read as follows: \*89-320. Notice of intention to apply for permit -activities limited by terms of permit. Before undertaking any weather modification and control : activities, the applicant for a permit shall file with the departmenty-and also-have-publishedy a notice of intention. If a permit is issued, the holder of the permit shall confine his activities to the time and area limits set forth in the

21 activities to the time and area limits set forth in the 22 notice of intention, unless modified by the board. His 23 activities shall conform to any conditions imposed by the 24 board. The permit may not be sold or transferred."

25 Section 3. Section 89-322. R.C.M. 1947. is amended to

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1 read as follows:

2 \*89-322. Publication of notice of intention. (1) The 3 applicant department shall have the notice of intention, or 4 that portion thereof including the items specified in 5 section 89-321, published at least once a week for two-t2) 6 consecutive weeks in a newspaper having a general 7 circulation and published within any county in which the operation is to be conducted and in which the affected area 8 9 is located, or, if the operation is to be conducted in more than one (1) county or if the affected area is located in 10 12 more than one (1) county or is located in a county other than the one in which the operation is to be conducted, then 12 13 in newspapers having a general circulation and published 14 within each of the counties. 15 (2) Proof--of-publicationy-made-in-the-manner-provided 16 by-fawy-shall-be-filed-by-the-applicant-with-the-dapdrtwent 17 sooner-then the sixteenth-day-after the date of the last 18 publication of the notice. The applicant shall relative the 19 department for the costs of publication of the notice of 20 intention." 21 Section 4. Effective date. This act is effective on

22 its passage and approval.

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18	accordance with procedures and subject to conditions the
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20	only:
21	(a) if the applicant is licensed pursuant to this
22	chapter;
23	(b) if sufficient notice of intention is published <del>and</del>
24	proof-of-publication-is-fild-as-required-in-section-89-322;
25	(c) if an applicant furnishes proof of financial

responsibility in an amount to be determined by the board as
 required in section 89-323;

3 (d) if the fee for the permit is paid as required in
4 section 89-324;

5 (e) if the weather modification and control activities
6 to be conducted are determined by the board to be for the
7 general welfare and the public good.

8 (2) The department shall hold a public hearing in the 9 area to be affected by the issuance of the permit. if the 10 board determines that a hearing is necessary. The department 11 may in its discretion assess the permit applicant for the 12 costs incurred by the department in holding the hearing."

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25 Section 3. Section 89-322, R.C.M. 1947, is amended to

THIRD READING

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HBH11

1 read as follows:

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17 sooner than the sixteenth day siter the date or the sate 18 publication of the notice. The applicant shall reimburse the 19 department for the costs of publication\_of the notice of 20 intention.\*

Section 4. Effective date. This act is effective on
 its passage and approval.

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HB 0477/02

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21	(a) if the applicant is licensed pursuant to this
22	chapter;
23	(b) if sufficient notice of intention is published and
24	proof-of-publication-is-filed-as-required-in-section-89-322;
25	(c) if an applicant furnishes proof of financial

1	responsibility in an amount to be determined by the board as
2	required in <del>section</del> 89-323;
3	(3) it the fee for the permit is paid as required in
4	section 89-324;
5	(e) if the weather modification and control activities
ΰ	to be conducted are determined by the board to be for the
7	general welfare and the public good.
8	(2) The department shall hold a public hearing in the
9	area to be affected by the issuance of the permit, if the
10	board determines that a hearing is necessary. The department
11	may in its discretion assess the permit applicant for the
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13	Section 2. Section 89-320, R.C.M. 1947, is amended to
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21	activities to the time and area limits set forth in the
22	notice of intention, unless modified by the board. His
23	activities shall conform to any conditions imposed by the
24	board. The permit may not be sold or transferred."
2.6	Section & Section 20-322, 8 C M 1967, is seended to

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15 (2) Proof-of-publicationy-made-in-the-manner-provided by-lawy-shall-be-filed-by-the-applicant-with-the-department sooner--than--the--sixteenth--day-after-the-date-of-the-last publication-of-the-noticey <u>The applicant shall reimburse the</u> department for the costs of publication of the notice of intention\*"

Section 4. Effective date. This act is effective on
 its passage and approval.

-End-

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