

1 H BILL NO. 477
 2 INTRODUCED BY H. H. H. H.
 3 REQUESTED BY THE DEPARTMENT OF NATURAL RESOURCES
 4 AND CONSERVATION

5
 6 A BILL FOR AN ACT ENTITLED: "AN 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

1 responsibility in an amount to be determined by the board as
 2 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."

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
 17 any weather modification and control activities, the
 18 applicant for a permit shall file with the department ~~and~~
 19 ~~also have published~~ a notice of intention. If a permit is
 20 issued, the holder of the permit shall confine his
 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

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~~ (2)
6 consecutive weeks in a newspaper having a general
7 circulation and published within any county in which the
8 operation is to be conducted and in which the affected area
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 ~~(1)~~ 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
14 within each of the counties.

15 (2) ~~Proof of publication made in the manner provided~~
16 ~~by law 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."~~

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

-End-

STATE OF MONTANA

REQUEST NO. 440-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for House Bill 477 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

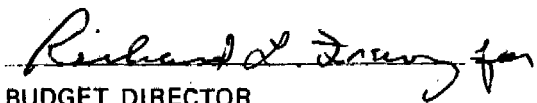
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-77

Approved by Committee
on Judiciary

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HB 477

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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
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1 HOUSE BILL NO. 477

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