

HOUSE BILL NO. 343

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION

IN THE HOUSE

JANUARY 21, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON NATURAL RESOURCES.

FEBRUARY 14, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 16, 1987                   PRINTING REPORT.

FEBRUARY 17, 1987                   SECOND READING, DO PASS.

FEBRUARY 18, 1987                   ENGROSSING REPORT.

                                      THIRD READING, PASSED.  
                                      AYES, 81; NOES, 4.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON NATURAL RESOURCES.

MARCH 7, 1987                       COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 12, 1987                       SECOND READING, CONCURRED IN.

MARCH 14, 1987                       THIRD READING, CONCURRED IN.  
                                      AYES, 50; NOES, 0.

                                      RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1987                       RECEIVED FROM SENATE.

                                      SENT TO ENROLLING.

1 House BILL NO. 343  
 2 INTRODUCED BY Lowells  
 3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES  
 4 AND CONSERVATION

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A REBUTTABLE  
 7 PRESUMPTION THAT DESIGNATIONS OF FLOODPLAINS AND FLOODWAYS  
 8 MADE ACCORDING TO A FLOOD HAZARD BOUNDARY MAP ARE BASED ON  
 9 REASONABLE HYDROLOGICAL CERTAINTY; AMENDING SECTION  
 10 76-5-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

13 Section 1. Section 76-5-202, MCA, is amended to read:  
 14 "76-5-202. Designation of floodplains and floodways.

15 (1) When sufficient data has been acquired by the  
 16 department, the board shall establish, by order after a  
 17 public hearing, the designated floodplain within which a  
 18 political subdivision may establish land use regulation.

19 (2) When sufficient data has been acquired, the board  
 20 shall establish, by order after a public hearing, the  
 21 designated floodway within which a political subdivision may  
 22 establish land use regulation.

23 (3) These designations shall be based upon reasonable  
 24 hydrological certainty. Designations made according to a  
 25 flood hazard boundary map prepared by the federal emergency

1 management agency have a rebuttable presumption of  
 2 reasonable hydrological certainty.

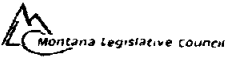
3 (4) The department shall record all designated  
 4 floodplains or designated floodways established by the board  
 5 in the office of the county clerk and recorder of each  
 6 county in which those floodplains or floodways are found."

7 NEW SECTION. Section 2. Extension of authority. Any  
 8 existing authority of the board of natural resources and  
 9 conservation to make rules on the subject of the provisions  
 10 of this act is extended to the provisions of this act.

11 NEW SECTION. Section 3. Effective date. This act is  
 12 effective on passage and approval.

-End-

INTRODUCED BILL  
 HB-343



APPROVED BY COMM. ON  
NATURAL RESOURCES

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1 House BILL NO. 317  
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 3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES  
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