Chapter 558

1955 REPLACEMENT PART

Weather Modification

558.010 Definitions
558.020 Purpose of chapter
558.030 Artificial weather modification prohibited without license
558.040 Application for license; fee
558.050 Applicant to file proof of financial responsibility
558.060 Issuance of license; licensee's authority; use of improper materials cause for suspension or revocation; renewal
558.070 Filing notice of intention before undertaking operation; confining activities within limits specified in notice
558.080 Contents of notice of intention
558.090 Publication of notice of intention
558.100 Proof of publication
558.110 Records and reports of operations; public examination
558.120 Emergency licenses
558.130 Suspension or revocation of license by department; appeal
558.140 Appropriation for administration and enforcement
558.990 Penalties

CROSS REFERENCES

Conformance to water resources policy required, 536.300 to 536.400

Transfer of functions under this chapter from Director of Agriculture to State Department of Agriculture, 1955 c.61 §1

558.010 Definitions. As used in this chapter:

(1) "Department" means the State Department of Agriculture.

(2) "Person" includes any public or private corporation. [1953 c.654 §1; 1955 c.61 §4]

558.020 Purpose of chapter. The purpose of this chapter is to promote the public health, safety and welfare by providing for the licensing, regulation and control of interference by artificial means with the natural precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere. [1953 c.654 §2]

558.030 Artificial weather modification prohibited without license. No person, without securing a license from the department, shall cause or attempt to cause by artificial means condensation or precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere, or shall prevent or attempt to prevent by artificial means the natural condensation or precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere. [1953 c.654 §3]

558.040 Application for license; fee. (1) Any person desiring to do any of the acts specified in ORS 558.030 may file with the department an application for a license on a form to be supplied by the department for such purpose setting forth all of the following:

(a) The name and postoffice address of the applicant.

(b) The education, experience and qualifications of the applicant, or if the applicant is not an individual, the education, experience and qualifications of the persons who will be in control and in charge of the operation of the applicant.

(c) The name and postoffice address of the person on whose behalf the weather modification operation is to be conducted if other than the applicant.

(d) The nature and object of the weather modification operation which applicant proposes to conduct, including a general description of such operation.

(e) The method and type of equipment and the type and composition of the materials that the applicant proposes to use.

(f) Such other pertinent information as the department may require.

(2) Each application shall be accompanied by a filing fee in the sum of $100, and proof of financial responsibility as required by ORS 558.050. [1953 c.654 §4]

558.050 Applicant to file proof of financial responsibility. (1) No license shall be issued to any person until he has filed with the department proof of ability to respond in damages for liability on account of accidents arising out of the weather modification operations to be conducted by him in the amount of $50,000 because of bodily injury to or death of one person resulting from any one accident, and, subject to said limit for one person, in the amount of $100,000 because of bodily injury to or death of two or more persons resulting from any one accident, and in the amount of $100,000 because of injury to or destruction of property of others resulting from any one accident.

(2) Proof of financial responsibility may be given by filing with the department a certificate of insurance or a bond or a certificate of deposit of money in the same manner and with the same effect as provided by ORS chapter 486. [1953 c.654 §13]

558.060 Issuance of license; licensee's authority; use of improper materials cause for suspension or revocation; renewal. (1) The department shall issue a license to each applicant who:

(a) By education, skill or experience appears to be qualified to undertake the weather modification operation proposed in his application;

(b) Files proof of his financial responsibility as required by ORS 558.050; and

(c) Pays the license fee.

(2) Each such license shall entitle the applicant to conduct the operations described in the application for the calendar year for which the license is issued unless the license is sooner revoked or suspended. The conducting of any weather modification operation or the use of any equipment or materials other than those described in the application shall be cause for revocation or suspension of the license.

(3) The license may be renewed annually by payment of a filing fee in the sum of $50. [1953 c.654 §5]

558.070 Filing notice of intention before undertaking operation; confining activities within limits specified in notice. Prior to undertaking any operation authorized by the

license, the licensee shall file with the department and cause to be published a notice of intention. The licensee shall then confine his activities substantially within the time and area limits set forth in the notice of intention. [1953 c.654 §6]

558.080 Contents of notice of intention. The notice of intention shall set forth all of the following:

(1) The name and postoffice address of the licensee.

(2) The name and postoffice address of the person on whose behalf the weather modification operation is to be conducted if other than the licensee.

(3) The nature and object of the weather modification operation which licensee proposes to conduct, including a general description of such operation.

(4) The method and type of equipment and the type and composition of the materials that the licensee proposes to use.

(5) The area in which and the approximate time during which the operation will be conducted.

(6) The area which will be affected by the operation as near as the same may be determined in advance. [1953 c.654 §7]

558.090 Publication of notice of intention. The licensee shall cause the notice of intention to be published at least once a week for two consecutive weeks in a newspaper having a general circulation and published within any county wherein the operation is to be conducted and in which the affected area is located, or if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then such notice shall be published in like manner in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county. [1953 c.654 §8]

558.100 Proof of publication. Proof of publication shall be filed by the licensee with the department within 15 days from the date of the last publication of the notice. Proof of publication shall be by copy of the notice as published, attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing the notice. [1953 c.654 §9]

558.110 Records and reports of operations; public examination. (1) Each licensee shall keep and maintain a record of all operations conducted by him pursuant to his license showing the method employed, the type of equipment, the type and composition of the materials used, the times and places of operation of the equipment, the name and postoffice address of each person participating or assisting in the operation other than the licensee, and such other information as may be required by the department, and shall report the same to the department at such times as it may require.

(2) The records of the department and the reports of all licensees shall be available for public examination. [1953 c.654 §10]

558.120 Emergency licenses. Notwithstanding any provision of this chapter to the contrary, the department may grant a license permitting a weather modification operation without compliance by the licensee with the provisions of ORS 558.080 to 558.110 and without publication of the notice of intention as required by ORS 558.070, if the operation appears to the department to be necessary or desirable in aid of the extinguishment of fires, dispersal of fog, or other emergency. [1953 c.654 §11]

558.130 Suspension or revocation of license by department; appeal. (1) Any license may be revoked or suspended if the department finds after due notice to the licensee and a hearing thereon, that the licensee has failed or refused to comply with any of the provisions of this chapter.

(2) Any licensee may appeal from any order of the department to the circuit court for the County of Marion within 20 days after service of the order. The appeal shall be heard and tried de novo in the manner provided by law for the trial of suits in equity.

(3) Either the department or the licensee may appeal from the order or decree of the circuit court to the Supreme Court in the same manner that appeals may be taken in suits in equity. [1953 c.654 §12]

558.140 Appropriation for administration and enforcement. All moneys received by the department under this chapter, in addition to any other appropriation of funds available for the administration of this chapter, hereby are continuously appropriated

to the department for the purpose of defraying the costs and expenses incurred in the administration and enforcement of this chapter. [1955 c.61 §3]

558.150 to 558.980 [Reserved for expansion]

558.990 Penalties. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. [1953 c.654 §14]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

CHAPTERS 559 AND 560
[Reserved for expansion]