

HOUSE BILL NO. 644  
INTRODUCED BY D. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A WEATHER MODIFICATION OPERATION MAY NOT START BEFORE NOVEMBER 1 OR END AFTER MARCH 15; PROVIDING THAT WEATHER MODIFICATION IS EXEMPT FROM THE REQUIREMENTS OF TITLE 75, CHAPTER 1, PARTS 1 AND 2, MCA; PROVIDING THAT AN ENTITY MUST HAVE A LICENSE TO BE ABLE TO CONDUCT WEATHER MODIFICATION ACTIVITIES; AMENDING SECTIONS 85-3-101, 85-3-201, 85-3-204, 85-3-210, 85-3-213, 85-3-214, 85-3-301, AND 85-3-302, MCA; REPEALING SECTIONS 85-3-102, 85-3-202, 85-3-206, 85-3-207, 85-3-208, 85-3-211, AND 85-3-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Term of operation -- exemption.** (1) Subject to subsection (2), an operation must not start before November 1 or end after March 15.

(2) The time interval of an operation provided in subsection (1) may be lengthened if the governor declares a drought emergency and provides that the time interval of weather modification and control operations should be expanded.

**Section 2.** Section 85-3-101, MCA, is amended to read:

**"85-3-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(2) "Operation" means the performance of weather modification and control activities entered into for the purpose of producing or attempting to produce a certain modifying effect within one geographical area over one continuing time interval, as provided in [section 1] ~~not exceeding 1 year.~~

(3) "Research and development" means theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(4) "Weather modification and control" means changing or controlling or attempting to change or control, by artificial methods, the natural development of atmospheric cloud forms or precipitation forms that occur in the troposphere."

**Section 3.** Section 85-3-201, MCA, is amended to read:

**"85-3-201. License and permit required for weather modification and control.** (1) A person may not engage in activities for weather modification and control except under and in accordance with a license ~~and a permit~~ issued by the department authorizing the activities.

(2) Issuance of a license pursuant to this chapter is exempt from the requirements of Title 75, chapter 1, parts 1 and 2."

**Section 4.** Section 85-3-204, MCA, is amended to read:

**"85-3-204. Licenses -- term and renewal.** The license ~~shall~~ must be issued for a period to expire on July 1 of each year ~~at the end of the calendar year in which it is issued~~ and, if the licensee possesses the qualifications necessary for the issuance of a new license, ~~shall~~ must upon application be renewed at the expiration of the period."

**Section 5.** Section 85-3-210, MCA, is amended to read:

**"85-3-210. Publication of notice of intention.** ~~(1) The department shall have the notice of intention, or that portion thereof including the items specified in 85-3-209, --~~ Notice of intention to conduct weather modification activities must be published by the license holder conducting the operation at least once a week for 2 consecutive weeks in a newspaper having a general circulation and published within any county in which 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~~ in newspapers having a general circulation and published within each of the counties.

~~(2) The applicant shall reimburse the department for the costs of publication of the notice of intention."~~

**Section 6.** Section 85-3-213, MCA, is amended to read:

**"85-3-213. State special revenue fund.** All license ~~and permit~~ fees and fines collected under this chapter, other than those collected in a justice's court, ~~shall~~ must be deposited in the state special revenue fund

for use by the department in the administration of this chapter or as appropriated by the legislature."

**Section 7.** Section 85-3-214, MCA, is amended to read:

**"85-3-214. Termination of licenses and permits.** After notice to the licensee and a reasonable opportunity for a hearing, the department may modify, suspend, revoke, or refuse to renew any license ~~or permit~~ issued if it appears that the licensee no longer possesses the qualifications necessary, if it appears that the licensee has violated any of the provisions of this chapter, or, in the case of a modification, if it appears that it is necessary for the protection of the health or the property of any person."

**Section 8.** Section 85-3-301, MCA, is amended to read:

**"85-3-301. Records of operations maintained by licensees.** ~~Every~~ Each licensee shall keep and maintain a record of all operations conducted ~~by him by the licensee~~ under the licensee's ~~his~~ license ~~and each permit~~, showing:

- (1) the method employed;
- (2) the type of equipment used;
- (3) the kinds and amounts of material used;
- (4) the times and places of operation of the equipment;
- (5) the names and addresses of all individuals participating or assisting in the operation;
- (6) any other general information ~~as that~~ the department may require."

**Section 9.** Section 85-3-302, MCA, is amended to read:

**"85-3-302. Reports of operations.** The department shall require written reports, in a manner ~~as that~~ it provides, of each operation ~~for which a permit is issued~~ that is conducted. ~~The department shall also require reports from any organization that is exempt from license and permit requirements as provided in 85-3-202."~~

NEW SECTION. **Section 10. Repealer.** Sections 85-3-102, 85-3-202, 85-3-206, 85-3-207, 85-3-208, 85-3-211, and 85-3-212, MCA, are repealed.

NEW SECTION. **Section 11. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 85, chapter 3, part 1, and the provisions of Title 85, chapter 3, part 1, apply to [section 1].

NEW SECTION. **Section 12. Effective date.** [This act] is effective on passage and approval.

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