

Unofficial Draft Copy

As of: March 6, 2020 (2:46pm)

LCmod1

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act amending the requirements for weather modification permits; amending sections 85-3-202, and 85-3-211, MCA."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 85-3-202, MCA, is amended to read:

"85-3-202. Department to review applications. (1) The department shall review all applications for weather modification activities. ~~The department shall prepare a report and an environmental impact statement pursuant to Title 75, chapter 1, part 2. The report must contain information relative to all of the criteria applicable to issuance of a permit in 85-3-206. Prior to preparing the report, the department shall conduct at least one public meeting in the area affected by the proposed weather modification activity. The department's actual costs of conducting the public meeting, preparing the report, and preparing the environmental impact statement must be paid by the applicant. The department is required to conduct only the type of environmental assessment that would be conducted for a routine action with limited environmental impact pursuant to Title 75, chapter 1, part 2, as the necessary level of environmental review for a weather modification operation that qualifies for a permit~~

pursuant to this chapter.

(2) The department may provide by rule for exempting from the license and permit requirements of this chapter:

(a) research, development, and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations and their agents;

(b) laboratory research and experiments;

(c) activities of an emergency character for protection against fire, frost, sleet, or fog; and

(d) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail."

{*Internal References to 85-3-202:*
x85-3-206 x85-3-206 x85-3-302}

Section 2. Section 85-3-211, MCA, is amended to read:

"85-3-211. Proof of financial responsibility by applicant.

~~Proof of financial responsibility may be furnished by an applicant by showing, to the satisfaction of the department, the applicant's ability to respond in damages for liability that might reasonably be attached to or result from the applicant's weather modification and control activities~~ must be furnished by an applicant to give reasonable assurance of protection to the public in the event it should established that damage were caused to third parties as a result of negligence in carrying out a weather modification operation."

{*Internal References to 85-3-211:*
x85-3-206}

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