

SENATE BILL NO. 473

INTRODUCED BY B. PHALEN, D. LOGE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO WEATHER MODIFICATION; PROHIBITING WEATHER MODIFICATION; PROVIDING DEFINITIONS; AND ~~PROVIDING AN EXCEPTION REPEALING SECTIONS 85-3-101, 85-3-102, 85-3-103, 85-3-104, 85-3-105, 85-3-202, 85-3-203, 85-3-204, 85-3-205, 85-3-206, 85-3-207, 85-3-208, 85-3-209, 85-3-210, 85-3-211, 85-3-212, 85-3-213, 85-3-214, 85-3-301, 85-3-302, 85-3-303, 85-3-401, 85-3-411, 85-3-412, 85-3-413, 85-3-414, 85-3-415, 85-3-416, 85-3-417, 85-3-421, 85-3-422, 85-3-423, AND 85-3-424, MCA.~~"

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

NEW SECTION. **Section 1. Prohibiting weather modification.** (1) ~~Except as prescribed in 85-3-101 through 85-3-424, a~~ A person may not intentionally inject, release, or disperse chemicals, chemical compounds, substances, or apparatuses within the borders of Montana expressly for:

- (a) engaging in weather modification and control;
- (b) affecting temperature; or
- (c) affecting the intensity of the sunlight.

(2) As used in this section:

- (a) "chemical compounds" means any combination of any number of chemicals;
- (b) "chemicals" means industrial substances, whether simple, compound, or obtained through the process of the science and art of chemistry, whether of organic or inorganic origin; and
- (c) "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.

NEW SECTION. **Section 2. Repealer.** The following sections of the Montana Code Annotated are repealed:

1	85-3-101.	Definitions.
2	85-3-102.	Standards for research in weather modification control.
3	85-3-103.	Department powers.
4	85-3-104.	Nonliability of state and agents for acts of private persons.
5	85-3-105.	Violation as misdemeanor and continuing violations.
6	85-3-201.	License and permit required for weather modification and control.
7	85-3-202.	Department to review applications.
8	85-3-203.	Licenses -- qualifications of licensees.
9	85-3-204.	Licenses -- term and renewal.
10	85-3-205.	License or renewal fee.
11	85-3-206.	Permits -- requirements and hearing.
12	85-3-207.	Separate permit for each operation.
13	85-3-208.	Notice of intention to apply for permit.
14	85-3-209.	Notice of intention -- contents.
15	85-3-210.	Publication of notice of intention.
16	85-3-211.	Proof of financial responsibility by applicant.
17	85-3-212.	Permit fee.
18	85-3-213.	State special revenue fund.
19	85-3-214.	Termination of licenses and permits.
20	85-3-301.	Records of operations maintained by licensees.
21	85-3-302.	Reports of operations.
22	85-3-303.	Records and reports open to public.
23	85-3-401.	Definitions.
24	85-3-411.	Weather modification authority created by petition -- expiration -- reinstatement.
25	85-3-412.	Petition content.
26	85-3-413.	Creation of authority by election.
27	85-3-414.	Creation of authority by resolution.
28	85-3-415.	Creation of authority by vote after resolution of county commissioners.

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Drafter: Toni Henneman,

1	85-3-416.	Abolishment of authority by election.
2	85-3-417.	Procedure for abolishment of authority by recall petition -- petition form -- disposition of
3		funds.
4	85-3-421.	Commissioners -- compensation -- meetings -- officers -- disbursements.
5	85-3-422.	Tax certified by weather modification authority -- disposition of proceeds.
6	85-3-423.	County budget waived for first appropriation -- conditions.
7	85-3-424.	Declaration of emergency -- hearing -- determination of need for weather modification
8		operation.

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