

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**CONFERENCE COMMITTEE ON SENATE BILL 072**

**Call to Order:** By Cecil Weeding, Chair, on April 15, 1993, at 11:30 a.m.

**ROLL CALL**

**Members Present:**

Sen. Cecil Weeding, Chair (D)  
Sen. Betty Bruski-Maus (D)  
Sen. Gerry Devlin (R)  
Rep. Bob Gilbert (R)  
Rep. Bill Rehbein (R)  
Rep. Linda Nelson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Todd Everts, Environmental Quality Council  
Kathy Collins, Committee Secretary

**Discussion:**

Representative Gilbert asked Don MacIntyre, Department of Natural Resources and Conservation, if he felt having "east of meridian 106" would be more defensible in court than not having that language in SB 72. Mr. MacIntyre stated if he were preparing for a lawsuit, that language would enable a better defense. Mr. MacIntyre said there is a rational basis for drawing the line at the 106 meridian.

Senator Weeding asked if Montana has had an out-of-state application other than that of North Dakota. Mr. MacIntyre said "no."

Senator Devlin stated this does not mean it could not happen. He said he felt including the whole state would make the law more defensible rather than the other way around. He said "east of meridian 106" should be stricken from the amendment prepared by Todd Everts (Exhibit #1).

Representative Nelson stated Senator Devlin's suggestion would make SB 72 more acceptable by the Legislature.

**Motion/Vote:**

Senator Devlin moved to substitute the amendment made by the House with Todd Everts' amendment (with the deletion of "east of meridian 106"). The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 11:40 a.m.

  
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SENATOR CECIL WEEDING, Chair

  
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KATHY COLLINS, Secretary

CW/kc



Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 72, met and considered:

Amendments to Senate Bill No. 72

We recommend that Senate Bill No. 72 (reference copy - salmon) be amended as follows:

1. Title, lines 15 and 16.  
Strike: "REQUIRING" on line 15 through "PROGRAM" on line 16.  
Insert: "PROVIDING A STATEMENT OF POLICY; SUSPENDING ACTION BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON APPLICATIONS FOR WEATHER MODIFICATION ACTIVITY IF THE PRIMARY BENEFIT OF THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO SUBMIT TO THE LEGISLATIVE WATER POLICY COMMITTEE A REPORT ON ANY SUSPENDED APPLICATIONS"
2. Page 6, lines 4 through 14.  
Strike: Sections 3 and 4 in their entirety  
Insert: "NEW SECTION. Section 3. Statement of policy. The legislature, pursuant to its mandate and authority under Article IX of the Montana constitution, declares that it is the policy of the state that before further development of certain atmospheric water resources within Montana may occur, the 1995 session of the legislature must be provided with information concerning the expected environmental impacts of any anticipated weather modification activities.  
NEW SECTION. Section 4. Suspension of action -- report to legislature. (1) Prior to April 30, 1995, the board may not grant an application for a proposed weather modification activity if the primary benefit of the weather modification activity is outside Montana.  
(2) For any pending application or for any application filed after [the effective date of this act] for a permit to conduct weather modification activities suspended under subsection (1), the department of natural resources and conservation and the applicant shall, in consultation with the water policy committee,

ADOPT

REJECT

comply with the requirements of 85-3-202(1). The department shall submit the report and environmental impact statement to the water policy committee. The water policy committee shall consider the report and environmental impact statement and submit a final report to the legislature. The water policy committee need not file a weather modification report to the legislature if the department does not file a report and environmental impact statement with the water policy committee prior to October 1, 1994."

Renumber: subsequent sections

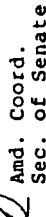
And that this Conference Committee report be adopted.

For the Senate:

  
Sen. Weeding, Chair


  
Sen. Btuski-Maus

  
Sen. Devlin

  
And. Coord.  
7/11 Sec. of Senate

For the House:

  
Rep. Gilbert, Chair

  
Rep. Rehbein

  
Rep. Nelson

Exhibit 1  
4-15-93  
Conference Committee  
SB 72

Amendments to Senate Bill No. 72  
Reference Copy

For the Senate/House Conference Committee

Prepared by Todd Everts  
April 8, 1993

1. Title, lines 15 and 16.

Strike: "REQUIRING" on line 15 through "PROGRAM" on line 16

Insert: "PROVIDING A STATEMENT OF POLICY; SUSPENDING ACTION BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON APPLICATIONS FOR WEATHER MODIFICATION ACTIVITY EAST OF THE 106TH MERIDIAN IF THE PRIMARY BENEFIT OF THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO SUBMIT TO THE LEGISLATIVE WATER POLICY COMMITTEE A REPORT ON ANY SUSPENDED APPLICATIONS"

2. Page 6, lines 4 through 14.

Strike: Sections 3 and 4 in their entirety

Insert: "NEW SECTION. Section 3. Statement of policy. The legislature, pursuant to its mandate and authority under Article IX of the Montana constitution, declares that it is the policy of the state that before further development of certain atmospheric water resources within Montana may occur, the 1995 session of the legislature must be provided with information concerning the expected environmental impacts of any anticipated weather modification activities.

NEW SECTION. Section 4. Suspension of action -- report to legislature. (1) Prior to April 30, 1995, the board may not grant an application for a proposed weather modification activity east of meridian 106° if the primary benefit of the weather modification activity is outside Montana.

(2) For any pending application or for any application filed after [the effective date of this act] for a permit to conduct weather modification activities suspended under subsection (1), the department of natural resources and conservation and the applicant shall, in consultation with the water policy committee, comply with the requirements of 85-3-202(1). The department shall submit the report and environmental impact statement to the water policy committee. The water policy committee shall consider the report and environmental impact statement and submit a final report to the legislature. The water policy committee need not file a weather modification report to the legislature if the department does not file a report and environmental impact statement with the water policy committee prior to October 1, 1994."

Renumber: subsequent sections