

SENATE BILL 60

Introduced by Devlin

12/23	Introduced
12/23	Referred to Natural Resources
1/04	First Reading
1/04	Fiscal Note Requested
1/08	Fiscal Note Received
1/08	Fiscal Note Printed
1/15	Hearing
2/05	Tabled in Committee

SENATE BILL NO. 60
INTRODUCED BY DEVLIN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING WEATHER
MODIFICATION AND CONTROL; PROVIDING A PENALTY; REPEALING
SECTIONS 85-3-101, 85-3-102, 85-3-103, 85-3-104, 85-3-105,
85-3-201, 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;
AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Article IX, section 3, of the Montana
Constitution grants to the people of the State of Montana
the sovereign right to atmospheric waters within state
boundaries and the right to determine how those waters will
be appropriated to the beneficial use of the people of
Montana; and

WHEREAS, the practice of weather modification and
control, also known as cloud seeding, is an inexact science
at best, the results of which are unpredictable and could
result in misappropriation of Montana's atmospheric waters
or other adverse effects; and

WHEREAS, the Legislature finds that the prohibition of

weather modification and control is an appropriate exercise
of the constitutional right of the people to determine the
beneficial use of Montana's atmospheric waters.

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

NEW SECTION. **Section 1. Weather modification and
control prohibited -- civil penalty and payment of damages.**
(1) Weather modification and control, which consists of the
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, is prohibited.

(2) A person who performs or attempts to perform
weather modification and control within the atmospheric
boundaries of Montana in violation of this section is
subject to a civil penalty not to exceed \$5,000 for each
violation. A person found guilty of violating this section
is also subject to the payment of all costs and damages
attributable to the violation. Each violation constitutes a
separate offense.

NEW SECTION. **Section 2. Repealer.** Sections 85-3-101,
85-3-102, 85-3-103, 85-3-104, 85-3-105, 85-3-201, 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,

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1 85-3-413, 85-3-414, 85-3-415, 85-3-416, 85-3-417, 85-3-421,
2 85-3-422, 85-3-423, and 85-3-424, MCA, are repealed.

3 NEW SECTION. **Section 3.** Effective date. [This act] is
4 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for Senate Bill 60, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill is intended to prohibit weather modification and control activities in Montana by repealing the existing weather modification and control statute and providing for a civil penalty and payment of damages for violations. Repealing the statute will eliminate the necessity for the agency to review, regulate and monitor weather modification and control activities.

ASSUMPTIONS:

1. Administrative processing requirements for weather modification activities will be eliminated.
2. No general fund is provided for weather modification administration.
3. Currently fees for administration are collected and deposited in an earmarked revenue account.
4. Earmarked fee and expense moneys have been allocated for other state administrative business needs.
5. Minimal or no local influx of weather modification money into local economies has occurred recently.


FISCAL IMPACT: The fiscal impact is expected to be none or very minimal.

Expenditures: No expenditures are expected.

Revenues: No revenues will be generated.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Local expenditures that may be associated with any future operational or research programs will be precluded.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: There will be no operational or research weather modification activity in Montana.

 1-7-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1-7-93
GERRY DEVLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0060, as introduced

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