SENATE BILL NO. 72

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INTRODUCED BY DEVLIN, TUNBY, REHBEIN, NATHE, L. NELSON, J. JOHNSON, WEEDING, BRUSKI-MAUS, TVEIT

IN THE SENATE

JANUARY 2, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
JANUARY 4, 1993	FIRST READING.
JANUARY 5, 1993	SPONSORS ADDED.
JANUARY 6, 1993	SPONSORS ADDED.
FEBRUARY 6, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 8, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 9, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 29, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 30, 1993	SECOND READING, CONCURRED IN.
MARCH 31, 1993	ON MOTION, PREVIOUS ACTION RECONSIDERED.
	RULES SUSPENDED TO ALLOW THIRD READING SAME DAY.

APRIL 1, 1993 SECOND READING, CONCURRED IN AS

AMENDED.

THIRD READING, CONCURRED IN. AYES, 89; NOES, 8.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1993 SECOND READING, AMENDMENTS NOT CONCURRED IN.

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APRIL 15, 1993

APRIL 6, 1993 ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 7, 1993 ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 15, 1993 CONFERENCE COMMITTEE REPORTED.

IN THE HOUSE

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 16, 1993 SECOND READING, CONFERENCE COMMITTEE REPORT ADOPTED.

APRIL 17, 1993 THIRD READING, CONFERENCE COMMITTEE REPORT ADOPTED.

APRIL 22, 1993 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1	SENATE BILL NO. 72	1	area affected by the proposed weather modification activity.
2	INTRODUCED BY DEVLIN	2	The department's actual costs of conducting the public
3		3	meeting, preparing the report, and preparing the
4	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE	4	environmental impact statement must be paid by the
5	ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN	5	applicant.
6	THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN	6	(2) The board may provide by rule for exempting from
7	ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE	7	the license and permit requirements of this chapter:
8	PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS,	В	<pre>tit(a) research, development, and experiments by state</pre>
9	CRITERIA FOR DETERMINING WHAT CONSTITUTES THE GENERAL	9	and federal agencies, institutions of higher learning, and
10	WELFARE AND THE PUBLIC GOOD, PUBLIC HEARING PROCEDURES, AND	10	bona fide nonprofit research organizations and their agents;
11	A PUBLIC VOTE IN AFFECTED COUNTIES; AMENDING SECTIONS	11	<pre>(2)(b) laboratory research and experiments;</pre>
12	85-3-202 AND 85-3-206, MCA; AND PROVIDING AN IMMEDIATE	12	<pre>f3f(c) activities of an emergency character for</pre>
13	EFFECTIVE DATE AND AN APPLICABILITY DATE."	13	protection against fire, frost, sleet, or fog; and
14		14	<pre>f4)(d) activities normally engaged in for purposes</pre>
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	other than those of inducing, increasing, decreasing, or
16	Section 1. Section 85-3-202, MCA, is amended to read:	16	preventing precipitation or hail."
17	*85-3-202. Department to review applications. (1) The	17	Section 2. Section 85-3-206, MCA, is amended to read:
18	department shall review all applications for weather	18	*85-3-206. Permits requirements and hearing
19	modification activities,andthe. The department shall	19	public vote. (1) The permits shall must be issued in
20	prepare a report and submit it to the board with an	20	accordance with procedures and subject to conditions the
21	environmental impact statement prepared pursuant to Title	21	board may by rule establish to effectuate this chapter7-only
22	75, chapter 1, part 2. The report must contain information	22	±f+ <u>.</u>
23	relative to all of the criteria applicable to issuance of a	23	(2) Within 30 days after submission of the department's
24	permit in 85-3-206. Prior to preparing the report, the	24	report required under 85-3-202, the board shall hold a
25	department shall conduct at least one public meeting in the	25	hearing under Title 2, chapter 4, part 6, to determine
			-2- 5872 INTRODUCED BILL



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1	whether to grant, conditionally grant, or deny the
2	application for a permit. The board may not grant or
3	conditionally grant an application unless all requirements
4	of this section are satisfied and the applicant establishes
5	by a preponderance of the evidence that the following
6	criteria have been met:
7	(a) the applicant is licensed pursuant to this chapter;
8	(b) sufficient notice of intention ±s <u>has been</u>
9	<pre>published;</pre>
10	(c) an applicant furnishes has furnished proof of
11	financial responsibility in an amount to be determined by
12	the board as required in 85-3-211;
13	(d) the fee for the permit is <u>has been</u> paid as required
14	in 85-3-212 and the department's costs incurred under
15	85-3-202 have been paid;
16	(e) the weather modification and control activities to
17	be conducted are have been determined by the board to be for
18	the general welfare and the public good. <u>That determination</u>
19	must be based on a finding of whether the operation:
20	(i) is reasonably conceived to improve water quantity
21	or quality, reduce loss from weather hazards, provide
22	economic benefits for the people of Montana, or advance
23	scientific knowledge;
24	(ii) is designed to include adequate safeguards to
25	minimize or avoid possible damage to the public health,

1	safety, and welfare and to the environment; and
2	(iii) will adversely affect another operation for which
3	a permit has been issued.
4	(2)<u>(3)</u> Iftheboarddeterminesthatahearingis
5	necessary7-the-department-shall-hold-a-public-hearing-in-the
6	area-to-be-affected-bytheissuanceofthepermitThe
7	department-may-in-its-discretion-assess-the-permit-applicant
8	forthecostsincurredbythe-department-in-holding-the
9	hearing. The board may determine not to hold a public
10	hearing only if after giving notice of a hearing, no person
11	files a notice of intent to appear at the hearing to contest
12	the issuance of a permit. If no hearing is held, the board
13	may grant or conditionally grant a permit based on the
14	information contained in the application and the
15	department's report, provided the conditions of subsection
16	(4) are met.
17	(4) If the board decides to grant or conditionally
18	grant a permit, the decision and all relevant information
19	used by the board in making the decision must be submitted,
20	in the form of a ballot measure, to the registered electors
21	of each county over which weather modification activities
22	will occur under the permit. A vote on whether to accept or
23	reject the board's decision must be held in each affected
24	county within 30 days after the board's decision. A permit
25	may not be issued by the board unless the board's decision

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1	is approved by a majority vote of all electors who vote on
2	the question.
3	(5) Costs incurred by the board in holding a hearing
4	under subsection (2), as well as costs associated with the
5	balloting required under subsection (4), must be paid by the
6	applicant."
7	NEW SECTION. Section 3. Effective date
8	applicability. [This act] is effective on passage and
9	approval and applies to any application for a weather
10	modification permit submitted to the department of natural
11	resources and conservation or board of natural resources and
12	conservation after [the effective date of this act] for
13	weather modification activities to be conducted in 1993 and
14	to all applications submitted for weather modification
15	activities to be conducted in 1994 and thereafter.

-End-

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>SB0072, as introduced</u>.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill will amend the weather modification and control statutes in Montana to require an environmental impact statement for all permit applications, require payment of all costs associated with administrative processing of applications, require public meetings and hearings for all applications, and submit Board of Natural Resources and Conservation approvals of applications to a local vote within counties affected by the weather modification activities.

ASSUMPTIONS:

- Administrative processing requirements for weather modification activities will increase. 1.
- No general fund for weather modification administration is currently provided. 2.
- 3. Fees and expenses for administration are collected and deposited in a state special revenue account.
- EIS fees are collected from applicant and are immediately allocated to reimburse agency for analyses costs. 4
- 5. Costs associated with application processing will be borne by the weather modification permit applicants.
- 6. Minimal or no local influx of weather modification money into local economies has recently occurred.
- 7. Local elections are a county responsibility which cost \$12,500 per county.
- 8. Election fees are collected from the applicant and deposited in a county earmarked account.
- 9. A minimum of two counties will vote on any application.

FISCAL IMPACT: The applicant's expense to pursue Board of Natural Resources and Conservation action is expected to increase since the cost of completing an environmental impact statement is mandated by the application process. Holding an election in the counties affected by the proposed weather modification activities is an additional application cost.

Expenditures are unknown, but any expenditures which may occur will be reimbursed to the agency by the Expenditures: applicant.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Local elections will be required which will necessitate the hiring of persons to conduct the elections. Some local consultants may be contracted to perform environmental analyses and to draft an environmental impact statement for the applications. These local costs would be reimbursed by the applicant.

DAVID LEWIS, BUDGET DIRECTOR Office of Budget and Program Planning

DATE

GERRY DEVLIN, PRIMARY SPONSOR

Fiscal Note for SB0072, as introduced

53rd Legislature

SB 0072/02

APPROVED BY COMM. ON NATURAL RESOURCES

SENATE BILL NO. 72 1 INTRODUCED BY DEVLIN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE ۸ ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN 5 THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN 6 ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE 7 PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS, 8 CRITERIA FOR DETERMINING WHAT CONSTITUTES THE GENERAL 9 WELFARE AND THE PUBLIC GOOD, AND PUBLIC HEARING PROCEDURES, 10 AND-A--PUBLIC--VOTB--IN--APPECTED--COUNTIES; PROVIDING FOR 11 LEGISLATIVE APPROVAL OF PERMITS FOR WEATHER MODIFICATION 12 ACTIVITIES IN MONTANA IF THE PRIMARY BENEFIT OF THE ACTIVITY 13 IS OUTSIDE MONTANA; AMENDING SECTIONS 85-3-202 AND 85-3-206, 14 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A 15 RETROACTIVE APPLICABILITY DATE." 16 17

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 activities7--and--the. The department shall prepare a report and submit it to the board with an environmental impact statement prepared pursuant to Title 75, chapter 1, part 2. The report must contain information

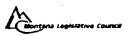
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 relative to all of the criteria applicable to issuance of a 2 permit in 85-3-206. Prior to preparing the report, the 3 department shall conduct at least one public meeting in the area affected by the proposed weather modification activity. 4 5 The department's actual costs of conducting the public 6 meeting, preparing the report, and preparing the 7 environmental impact statement must be paid by the 8 applicant. (2) The board may provide by rule for exempting from 9 10 the license and permit requirements of this chapter: 11 (1)(a) research, development, and experiments by state 12 and federal agencies, institutions of higher learning, and 13 bona fide nonprofit research organizations and their agents; 14 (2)(b) laboratory research and experiments; 15 (+3)(c) activities of an emergency character for 16 protection against fire, frost, sleet, or fog; and 17 (d) activities normally engaged in for purposes 18 other than those of inducing, increasing, decreasing, or 19 preventing precipitation or hail." 20 Section 2. Section 85-3-206, MCA, is amended to read: 21 "85-3-206. Permits -- requirements and hearing --22 public-vote. (1) The permits shall must be issued in

23 accordance with procedures and subject to conditions the 24 board may by rule establish to effectuate this chapter τ -only 25 ifr_{-}

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SECOND READING



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1	(2) Within 30 days after submission of the department's
2	report required under 85-3-202, the board shall hold a
3	hearing under Title 2, chapter 4, part 6, to determine
4	whether to grant, conditionally grant, or deny the
5	application for a permit. The board may not grant or
6	conditionally grant an application unless all requirements
7	of this section are satisfied and the applicant establishes
8	by a preponderance of the evidence that the following
9	criteria have been met:
10	(a) the applicant is licensed pursuant to this chapter;
11	(b) sufficient notice of intention is <u>has been</u>
12	published;
13	(c) an applicant furnishes has furnished proof of
14	financial responsibility in an amount to be determined by
15	the board as required in 85-3-211;
16	(d) the fee for the permit is <u>has been</u> paid as required
17	in 85-3-212 and the department's costs incurred under
18	85-3-202 have been paid;
19	(e) the weather modification and control activities to
20	be conducted are have been determined by the board to be for
21	the general welfare and the public good. That determination
22	must be based on a finding of whether the operation:
23	(i) is reasonably conceived to improve water quantity
24	or quality, reduce loss from weather hazards, provide
25	economic benefits for the people of Montana, or advance
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1	scientific knowledge;
2	(ii) is designed to include adequate safeguards to
3	minimize or avoid possible damage to the public health,
4	safety, and welfare and to the environment; and
5	(iii) will adversely affect another operation for which
6	a permit has been issued.
7	(2)(3) Iftheboarddeterminesthatahearingis
8	necessary7-the-department-shall-hold-a-public-hearing-in-the
9	areatobeaffectedbytheissuance-of-the-permitThe
10	department-may-in-its-discretion-assess-the-permit-applicant
11	for-the-costs-incurred-bythedepartmentinholdingthe
12	hearing. The board may determine not to hold a public
13	hearing only if after giving notice of a hearing, no person
14	files a notice of intent to appear at the hearing to contest
15	the issuance of a permit. If no hearing is held, the board
16	may grant or conditionally grant a permit based on the
17	information contained in the application and the
18	department's report7provided-the-conditions-of-subsection
19	t4)-are-met.
20	<u> 14)If-the-boarddecidestograntorconditionally</u>
21	grantapermitythe-decision-and-all-relevant-information
22	used-by-the-board-in-making-the-decision-must-besubmittedy
23	inthe-form-of-a-ballot-measurey-to-the-registered-electors
24	of-each-county-over-whichweathermodificationactivities
25	willoccur-under-the-permitA-vote-on-whether-to-accept-or

1	reject-the-board's-decision-must-be-heldineachaffected
2	countywithin30-days-after-the-board-s-decisionA-permit
3	may-not-be-issued-by-the-board-unless-theboard-sdecision
4	isapprovedby-a-majority-vote-of-all-electors-who-vote-on
5	therquestion:
6	(5)(4) Costs incurred by the board in holding a hearing
7	under subsection (2)7-as-well-as-costs-associatedwiththe
8	balloting-required-under-subsection-f4)7 must be paid by the
9	applicant."
10	<u>NEW-SECTIONTSection-3Effectivedate</u>
11	applicability{Thisact}iseffectiveonpassageand
12	approval-andappliestoanyapplicationforaweather
13	modificationpermitsubmitted-to-the-department-of-natural
14	resources-and-conservation-or-board-of-natural-resources-and
15	conservation-after-fthe-effectivedateofthisact}for
16	weathermodification-activities-to-be-conducted-in-1993-and
17	toallapplicationssubmittedforweathermodification
18	activities-to-be-conducted-in-1994-and-thereafter-
19	NEW SECTION. SECTION 3. LEGISLATIVE APPROVAL. THE
20	BOARD MAY NOT ISSUE A PERMIT FOR A PROPOSED WEATHER
21	MODIFICATION ACTIVITY IN MONTANA IF THE PRIMARY BENEFIT OF
22	THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA UNTIL
23	THE DEPARTMENT PETITIONS THE NEXT REGULAR SESSION OF THE
24	LEGISLATURE AND THE LEGISLATURE AFFIRMS THE DECISION OF THE
25	BOARD TO GRANT THE PERMIT.

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1	NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
2	[SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
3	OF TITLE 85, CHAPTER 2, PART 3, AND THE PROVISIONS OF TITLE
4	85, CHAPTER 2, PART 3, APPLY TO [SECTION 3].
5	NEW SECTION. SECTION 5. SEVERABILITY. IF A PART OF
6	[THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
7	FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
8	ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
9	REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
10	SEVERABLE FROM THE INVALID APPLICATIONS.
11	NEW SECTION. SECTION 6. RETROACTIVE APPLICABILITY.
12	[THIS ACT] APPLIES RETROACTIVELY WITHIN THE MEANING OF
12 13	[THIS ACT] APPLIES RETROACTIVELY WITHIN THE MEANING OF 1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE
13	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE
13 14	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER
13 14 15	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT] AND TO APPLICATIONS
13 14 15 16	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT] AND TO APPLICATIONS CURRENTLY PENDING WITH THE DEPARTMENT FOR WHICH A COMMITMENT
13 14 15 16 17	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT] AND TO APPLICATIONS CURRENTLY PENDING WITH THE DEPARTMENT FOR WHICH A COMMITMENT TO A FUNDING AGREEMENT EXISTS FOR THE PREPARATION OF AN

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SB 72

1 2 3 SB 0072/02

SB 0072/02

	SENATE	BILL	NO.	72	
1	NTRODUC	ED BY	DEV	/LIN	

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE 4 ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN 5 THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN 6 ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE 7 PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS, 8 CRITERIA FOR DETERMINING WHAT CONSTITUTES THE GENERAL 9 WELFARE AND THE PUBLIC GOODY AND PUBLIC HEARING PROCEDURESY 10 AND-A--PUBLIC--VOTE--IN--APPBCTBD--COUNTIES; PROVIDING FOR 11 LEGISLATIVE APPROVAL OF PERMITS FOR WEATHER NODIFICATION 12 ACTIVITIES IN MONTANA IF THE PRIMARY BENEFIT OF THE ACTIVITY 13 14 IS OUTSIDE MONTANA; AMENDING SECTIONS 85-3-202 AND 85-3-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN A 15 16 RETROACTIVE APPLICABILITY DATE."

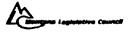
17

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

19 Section 1. Section 85-3-202, MCA, is amended to read:
20 "85-3-202. Department to review applications. (1) The
21 department shall review all applications for weather
22 modification activitiesy--and--the. The department shall
23 prepare a report and submit it to the board with an
24 environmental impact statement prepared pursuant to Title
25 75, chapter 1, part 2. The report must contain information

1	relative to all of the criteria applicable to issuance of a
2	permit in 85-3-206. Prior to preparing the report, the
3	department shall conduct at least one public meeting in the
4	area affected by the proposed weather modification activity.
5	The department's actual costs of conducting the public
6	meeting, preparing the report, and preparing the
7	environmental impact statement must be paid by the
8	applicant.
9	(2) The board may provide by rule for exempting from
10	the license and permit requirements of this chapter:
11	<pre>tightarrow test test test test test test test tes</pre>
12	and federal agencies, institutions of higher learning, and
13	bona fide nonprofit research organizations and their agents;
14	<pre>terms: termstate</pre> termstate termstate
15	<pre>f3;(c) activities of an emergency character for</pre>
16	protection against fire, frost, sleet, or fog; and
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18	other than those of inducing, increasing, decreasing, or
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25	board may by rule establish to effectuate this chapter , only
43	*** <u>*</u>





(2) Within 30 days after submission of the department's
report required under 85-3-202, the board shall hold a
hearing under Title 2, chapter 4, part 6, to determine
whether to grant, conditionally grant, or deny the
application for a permit. The board may not grant or
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of this section are satisfied and the applicant establishes
by a preponderance of the evidence that the following
criteria have been met:
(a) the applicant is licensed pursuant to this chapter;
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published;
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financial responsibility in an amount to be determined by
the board as required in 85-3-211;
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1	scientific knowledge;
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21	grantaperaitythe-decision-and-all-relevant-information
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23	inthe-form-of-a-ballot-measurey-to-the-registered-electors
24	of-each-county-over-whichweathermodificationactivities
25	willoccur-under-the-permit:-A-vote-on-whether-to-accept-or

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SB 72

1	reject-the-board-s-decision-must-be-heidineachaffected
2	countywithin30-days-after-the-board's-decisionA-permit
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10	NEW-BBCTIONTGection-3Bffectivedate
11	applicability{Thisact}iseffectiveonpassageand
12	approval-andappliestoanyapplicationforaweather
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14	resources-and-conservation-or-board-of-natural-resources-and
15	conservation-after-fthe-effectivedateofthisact}for
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17	toallapplicationssubmittedforweathermodification
18	activities-to-be-conducted-in-1994-and-thereafter:
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24	LEGISLATURE AND THE LEGISLATURE AFFIRMS THE DECISION OF THE
25	BOARD TO GRANT THE PERMIT.

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	,	SB	0072/02

ı	NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
2	[SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
-	OF TITLE 85, CHAPTER 2, PART 3, AND THE PROVISIONS OF TITLE
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4	85, CHAPTER 2, PART 3, APPLY TO (SECTION 3).
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8	ACT] IS INVALID IN ONE OF MORE OF ITS APPLICATIONS, THE PART
9	REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
10	SEVERABLE FROM THE INVALID APPLICATIONS.
11	NEW SECTION. SECTION 6. RETROACTIVE APPLICABILITY.
12	[THIS ACT] APPLIES RETROACTIVELY WITHIN THE MEANING OF
13	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE
14	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER
15	[THE EFFECTIVE DATE OF THIS ACT} AND TO APPLICATIONS
16	CURRENTLY PENDING WITH THE DEPARTMENT FOR WHICH A COMMITMENT
17	TO A FUNDING AGREEMENT EXISTS FOR THE PREPARATION OF AN
18	ENVIRONMENTAL IMPACT STATEMENT.
19	NEW SECTION. SECTION 7. EFFECTIVE DATE, [THIS ACT] IS

-End-

-6-

HOUSE STANDING COMMITTEE REPORT

March 29, 1993. Page 1 of 1

Mr. Speaker: We, the committee on <u>Natural Resources</u> report that <u>Senate Bill 72</u> (third reading copy -- blue) <u>be concurred</u> in as amended .

Signed: Chair

And, that such amendments read:

Carried by: Rep. Gilbert

1. Title, lines 11 through 14.
Following: ";" on line 11
Strike: "PROVIDING" on line 11 through "MONTANA" on line 14
Insert: "REQUIRING A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
FOR THE WEATHER MODIFICATION PROGRAM"

2. Page 5, lines 19 through 25. Strike: section 3 in its entirety Insert: "NEW SECTION. Section 3. Programmatic environmental impact statement. The board may not issue a permit under 85-3-206 until the department has prepared a programmatic environmental impact statement on activities under Title 85, chapter 3, as provided for under 75-1-201 and rules adopted pursuant to 75-1-201. The programmatic environmental impact statement must be completed by November 1, 1994."

Committee Vote: No .

HOUSE 58 72

HOUSE COMMITTEE OF THE WHOLE AMENDMENT Senate Bill 72 Representative Gilbert

March 31, 1993 2:58 pm Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 72 (third reading copy -- blue).

Signed:

Representative Gilbert

And, that such amendments to Senate Bill 72 read as follows:

1. Page 6, line 3. Strike: "2" Insert: "3" Strike: "PART 3," 2. Page 6, line 4. Strike: "2" Insert: "3" Strike: "PART 3,"

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-END-

ADOPT

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HOUSE

REJECT

1	SENATE BILL NO. 72	1	prepare a report and submit it to the board with an
2	INTRODUCED BY DEVLIN, TUNBY, REHBEIN, NATHE, L. NELSON,	2	environmental impact statement prepared pursuant to Title
3	J. JOHNSON, WEEDING, BRUSKI-MAUS, TVEIT	3	75, chapter 1, part 2. The report must contain information
4		4	relative to all of the criteria applicable to issuance of a
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE	5	permit in 85-3-206. Prior to preparing the report, the
6	ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN	6	department shall conduct at least one public meeting in the
7	THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN	7	area affected by the proposed weather modification activity.
8	ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE	8	The department's actual costs of conducting the public
9	PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS,	9	meeting, preparing the report, and preparing the
10	CRITERIA FOR DETERMINING WHAT CONSTITUTES THE GENERAL	10	environmental impact statement must be paid by the
11	WELFARE AND THE PUBLIC GOOD7 AND PUBLIC HEARING PROCEDURES7	11	applicant.
12	AND-APUBLICVOTEINAFFECTEDCOUNTIES; PROVIDINGFOR	12	(2) The board may provide by rule for exempting from
13	LEGISLATIVEAPPROVALOPPERMITSPOR-WEATHER-MODIFICATION	13	the license and permit requirements of this chapter:
14	ACTIVITIES-IN-MONTANA-IP-THE-PRIMARY-BENEFIT-OF-THE-ACTIVITY	14	<pre>ft;(a) research, development, and experiments by state</pre>
15	TS-OUTSIDE-MONTANA REQUIRING A PROGRAMMATIC ENVIRONMENTAL	15	and federal agencies, institutions of higher learning, and
16	IMPACT STATEMENT FOR THE WEATHER MODIFICATION PROGRAM;	16	bona fide nonprofit research organizations and their agents;
17	AMENDING SECTIONS 85-3-202 AND 85-3-206, MCA; AND PROVIDING	17	<pre>f2)(b) laboratory research and experiments;</pre>
18	AN IMMEDIATE EFFECTIVE DATE AND AN <u>A RETROACTIVE</u>	18	<pre>f3)(c) activities of an emergency character for</pre>
19	APPLICABILITY DATE."	19	protection against fire, frost, sleet, or fog; and
20		20	<pre>(d) activities normally engaged in for purposes</pre>
21	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	21	other than those of inducing, increasing, decreasing, or
22	Section 1. Section 85-3-202, MCA, is amended to read:	22	preventing precipitation or hail."
23	*85-3-202. Department to review applications. (1) The	23	Section 2. Section 85-3-206, MCA, is amended to read:
24	department shall review all applications for weather	24	"85-3-206. Permits requirements and hearing
25	modification activities and the. The department shall	25	publicvote. (1) The permits shall must be issued in
23	modified to a secretary and energy and energy and a secret share		



-2- SB 72 REFERENCE BILL AS AMENDED

1	accordance with procedures and subject to conditions the
2	board may by rule establish to effectuate this chapter7-only
3	±f+ <u>-</u>
4	(2) Within 30 days after submission of the department's
5	report required under 85-3-202, the board shall hold a
6	hearing under Title 2, chapter 4, part 6, to determine
7	whether to grant, conditionally grant, or deny the
8	application for a permit. The board may not grant or
9	conditionally grant an application unless all requirements
10	of this section are satisfied and the applicant establishes
11	by a preponderance of the evidence that the following
12	criteria have been met:
13	(a) the applicant is licensed pursuant to this chapter;
14	(b) sufficient notice of intention is <u>has been</u>
15	published;
16	(c) an applicant furnishes <u>has furnished</u> proof of
17	financial responsibility in an amount to be determined by
18	the board as required in 85-3-211;
19	(d) the fee for the permit is has been paid as required
20	in 85-3-212 and the department's costs incurred under
21	85-3-202 have been paid;
22	(e) the weather modification and control activities to
23	be conducted are have been determined by the board to be for
24	the general welfare and the public good. That determination
25	must be based on a finding of whether the operation:

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nceived	to	improve	water	q

SB 0072/03

l	(i) is reasonably conceived to improve water quantity
2	or guality, reduce loss from weather hazards, provide
3	economic benefits for the people of Montana, or advance
4	scientific knowledge;
5	(ii) is designed to include adequate safeguards to
6	minimize or avoid possible damage to the public health,
7	safety, and welfare and to the environment; and
8	(iii) will adversely affect another operation for which
9	a permit has been issued.
10	(2)<u>(3)</u> Iftheboarddeterminesthatahearingis
11	necessaryy-the-department-shall-hold-a-public-hearing-in-the
12	area-to-be-affected-bytheissuanceofthepermitThe
13	department-may-in-its-discretion-assess-the-permit-applicant
14	forthecostsincurredbythe-department-in-holding-the
15	hearing. The board may determine not to hold a public
16	hearing only if after giving notice of a hearing, no person
17	files a notice of intent to appear at the hearing to contest
18	the issuance of a permit. If no hearing is held, the board
19	may grant or conditionally grant a permit based on the
20	information contained in the application and the
21	department's report;-provided-the-conditionsofsubsection
22	<u>t4}-are-met.</u>
23	<u>{</u> 4 }Iftheboarddecidestogrant-or-conditionally
24	grant_a-permitthe-decision-andallrelevantinformation
25	usedby-the-board-in-making-the-decision-must-be-submitted;

-3-

SB 72

-4-

SB 72

1	in-the-form-of-a-ballot-measurey-to-the-registered-relectors
2	ofeachcountyover-which-weather-modification-activities
3	will-occur-under-the-permitA-vote-on-whether-to-acceptor
4	rejecttheboard-sdecision-must-be-held-in-each-affected
5	county-within-30-days-after-the-board's-decisionApermit
6	maynotbe-issued-by-the-board-unless-the-board-s-decision
7	is-approved-by-a-majority-vote-of-all-electors-whovoteon
8	the-question:
9	$\frac{15}{4}$ Costs incurred by the board in holding a hearing
10	under subsection (2)7-as-well-as-costs-associated-with-the
11	balloting-required-under-subsection-(4); must be paid by the
12	applicant."
13	NEW-SECTION Section-3 Effectivedate
14	applicability{Thisact}iseffectiveonpassageand
15	approvalandappliestoanyapplicationfora-weather
16	modification-permit-submitted-to-the-departmentofnatural
17	resources-and-conservation-or-board-of-natural-resources-and
18	conservationafter{theeffectivedateof-this-act}-for
19	weather-modification-activities-to-be-conducted-in-1993and
20	toallapplicationssubmittedforweathermodification
21	activities-to-be-conducted-in-1994-and-thereafter-
22	NEW-BECTION SECTION 3 LEGIGLATIVE APPROVAL 4418-
23	BOARDMAYNOTISSUEAPERMITPORAPROPOSEDWEATHER
24	MODIFICATION-ACTIVITY-IN-MONTANA-IF-THE-PRIMARYBENEFITOP
25	THEWEATHERMODIFICATION-ACTIVITY-IS-OUTSIDE-MONTANA-UNTIL

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l	<u> TH8-department-petitions-the-nextregularsessionop</u> the
2	LEGISLATUREAND-THE-LEGISLATURE-AFFIRMS-THE-BECISION-OF-THE
3	BOARD-TO-GRANT-THE-PERMIT-
4	NEW SECTION. SECTION 3. PROGRAMMATIC ENVIRONMENTAL
5	IMPACT STATEMENT. THE BOARD MAY NOT ISSUE A PERMIT UNDER
6	85-3-206 UNTIL THE DEPARTMENT HAS PREPARED A PROGRAMMATIC
7	ENVIRONMENTAL IMPACT STATEMENT ON ACTIVITIES UNDER TITLE 85,
8	CHAPTER 3, AS PROVIDED FOR UNDER 75-1-201 AND RULES ADOPTED
9	PURSUANT TO 75-1-201. THE PROGRAMMATIC ENVIRONMENTAL IMPACT
10	STATEMENT MUST BE COMPLETED BY NOVEMBER 1, 1994.
11	NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
12	[SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
13	OF TITLE 85, CHAPTER 2, PART 3, AND THE PROVISIONS OF TITLE
14	85, CHAPTER 2, PART 3, APPLY TO [SECTION 3].
15	NEW SECTION. SECTION 5. SEVERABILITY. IF A PART OF
16	[THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
17	FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
18	ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
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-6-

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1

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•

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6	ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN	6	department shall conduct at least one public meeting in the
7	THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN	7	area affected by the proposed weather modification activity.
8	ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE	8	The department's actual costs of conducting the public
9	PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS,	9	meeting, preparing the report, and preparing the
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13	LEGISLATIVEAPPROVALOFPERMITSPOR-WBATHER-MODIFICATION	13	the license and permit requirements of this chapter:
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15	IS-OUTSIDE-MONTANA REQUIRING A PROGRAMMATIC ENVIRONMENTAL	15	and federal agencies, institutions of higher learning, and
16	IMPACT STATEMENT FOR THE WEATHER MODIFICATION PROGRAM;	16	bona fide nonprofit research organizations and their agents;
17	AMENDING SECTIONS 85-3-202 AND 85-3-206, MCA; AND PROVIDING	17	<pre>teleficity test and experiments;</pre>
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20		20	†4<u>}(d)</u> activities normally engaged in for purposes
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SB 72 REFERENCE BILL: action reconsidered - amended SECUND PRINTING

-2-

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2	board may by rule establish to effectuate this chapter,-only	
3	ŧf÷ <u>.</u>	
4	(2) Within 30 days after submission of the department's	
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8	application for a permit. The board may not grant or	
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11	by a preponderance of the evidence that the following	:
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15	published;	
16	(c) an applicant furnishes has furnished proof of	
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18	the board as required in 85-3-211;	2
19	(d) the fee for the permit is has been paid as required	2
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21	85-3-202 have been paid;	:
22	(e) the weather modification and control activities to	:
23	be conducted are have been determined by the board to be for	
24	the general welfare and the public good. That determination	:
25	must be based on a finding of whether the operation:	:
	-3- SB 72	
	-J 3B /2	

1	(i) is reasonably conceived to improve water quantity
2	or quality, reduce loss from weather hazards, provide
3	economic benefits for the people of Montana, or advance
4	scientific knowledge;
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-4-

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13	<u>NEW-SECTION.</u> Section-3Effectivedate
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16	modification-permit-submitted-to-the-departmentofnaturai
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22	NEW-SECTION-3LEGISLATIVE APPROVAL THE
23	BOARDMAYNOTISSUEAPERMITPORAPROPOSEDWEATHER
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1	THE-BEPARTMENT-PETITIONS-THE-NEKTREGULARSESSIONOFTHE
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7	ENVIRONMENTAL IMPACT STATEMENT ON ACTIVITIES UNDER TITLE 85,
8	CHAPTER 3, AS PROVIDED FOR UNDER 75-1-201 AND RULES ADOPTED
9	PURSUANT TO 75-1-201. THE PROGRAMMATIC ENVIRONMENTAL IMPACT
10	STATEMENT MUST BE COMPLETED BY NOVEMBER 1, 1994.
11	NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
12	[SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
13	OF TITLE 85, CHAPTER 2 3, PART-37 AND THE PROVISIONS OF
14	TITLE 85, CHAPTER 2 3, PART-3, APPLY TO [SECTION 3].
15	NEW SECTION. SECTION 5. SEVERABILITY. IF A PART OF
16	[THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
17	FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
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23	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE
24	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER

25 [THE EFFECTIVE DATE OF THIS ACT] AND TO APPLICATIONS

SB 72

-6-

- 1 CURRENTLY PENDING WITH THE DEPARTMENT FOR WHICH A COMMITMENT
- 2 TO A FUNDING AGREEMENT EXISTS FOR THE PREPARATION OF AN
- 3 ENVIRONMENTAL IMPACT STATEMENT.
- 4 NEW SECTION. SECTION 7. EFFECTIVE DATE. (THIS ACT) IS
- 5 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

Conference Committee on Senate Bill No. 72 Report No. 1, April 15, 1993

Page 1 of 2

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: "PRÖVIDING 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.

<u>NEW SECTION.</u> 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

April 15, 1993 Page 2 of 2

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. Devlin

Amd. Coord. Th) Sec. of Senate

For the House:

Nelson

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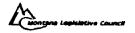
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SB 0072/05

1	SENATE BILL NO. 72
2	INTRODUCED BY DEVLIN, TUNBY, REHBEIN, NATHE, L. NELSON,
3	J. JOHNSON, WEEDING, BRUSKI-MAUS, TVEIT
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE
6	ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN
7	THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN
8	ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE
9	PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS,
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16	<u> IMPACTSTATEMENTFORTHEWEATHERMODIFICATIONPROGRAM</u>
17	PROVIDING A STATEMENT OF POLICY; SUSPENDING ACTION BY THE
18	BOARD OF NATURAL RESOURCES AND CONSERVATION ON APPLICATIONS
19	POR WEATHER MODIFICATION ACTIVITY IF THE PRIMARY BENEFIT OF
20	THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA;
21	REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND
22	CONSERVATION TO SUBMIT TO THE LEGISLATIVE WATER POLICY
23	COMMITTEE A REPORT ON ANY SUSPENDED APPLICATIONS; AMENDING
24	SECTIONS 85-3-202 AND 85-3-206, MCA; AND PROVIDING AN
25	IMMEDIATE EFFECTIVE DATE AND AN <u>A RETROACTIVE</u> APPLICABILITY

1 DATE."

1	DATE.
2	
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 85-3-202, MCA, is amended to read:
5	<pre>"85-3-202. Department to review applications. (1) The</pre>
6	department shall review all applications for weather
7	modification activities,andthe. The department shall
8	prepare a report and submit it to the board with an
9	environmental impact statement prepared pursuant to Title
10	75, chapter 1, part 2. The report must contain information
11	relative to all of the criteria applicable to issuance of a
12	permit in 85-3-206. Prior to preparing the report, the
13	department shall conduct at least one public meeting in the
14	area affected by the proposed weather modification activity.
15	The department's actual costs of conducting the public
16	meeting, preparing the report, and preparing the
17	environmental impact statement must be paid by the
18	applicant.
19	(2) The board may provide by rule for exempting from
20	the license and permit requirements of this chapter:
21	<pre>fightarrow fightarrow fighta</pre>
22	and federal agencies, institutions of higher learning, and
23	bona fide nonprofit research organizations and their agents;
24	<pre>t2;(b) laboratory research and experiments;</pre>
25	<pre>f3;(c) activities of an emergency character for</pre>



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protection against fire, frost, sleet, or fog; and
 t4)(d) activities normally engaged in for purposes
 other than those of inducing, increasing, decreasing, or
 preventing precipitation or hail."

5 Section 2. Section 85-3-206, MCA, is amended to read: 6 "85-3-206. Permits -- requirements and hearing --7 <u>public-vote</u>. (1) The permits shall <u>must</u> be issued in 8 accordance with procedures and subject to conditions the 9 board may by rule establish to effectuate this chapter7-only 10 <u>ift</u>.

11 (2) Within 30 days after submission of the department's 12 report required under 85-3-202, the board shall hold a 13 hearing under Title 2, chapter 4, part 6, to determine 14 whether to grant, conditionally grant, or deny the 15 application for a permit. The board may not grant or conditionally grant an application unless all requirements 16 17 of this section are satisfied and the applicant establishes 18 by a preponderance of the evidence that the following 19 criteria have been met:

20 (a) the applicant is licensed pursuant to this chapter;
21 (b) sufficient notice of intention ±s has been
22 published;

(c) an applicant furnishes has furnished proof of
financial responsibility in an amount to be determined by
the board as required in 85-3-211;

1 (d) the fee for the permit is has been paid as required 2 in 85-3-212 and the department's costs incurred under 85-3-202 have been paid; 3 (e) the weather modification and control activities to 4 5 be conducted are have been determined by the board to be for the general welfare and the public good. That determination 6 7 must be based on a finding of whether the operation: 8 (i) is reasonably conceived to improve water quantity 9 or quality, reduce loss from weather hazards, provide economic benefits for the people of Montana, or advance 10 scientific knowledge; 11 (ii) is designed to include adequate safeguards to 12 minimize or avoid possible damage to the public health, 13 safety, and welfare and to the environment; and 14 (iii) will adversely affect another operation for which 15 16 a permit has been issued. 17 (2) If--the--board--determines--that--a--hearing--is necessary7-the-department-shall-hold-a-public-hearing-in-the 18 19 area--to--be--affected--by--the--issuance-of-the-permit:-The department-may-in-its-discretion-assess-the-permit-applicant 20 21 for-the-costs-incurred-by--the--department--in--holding--the 22 hearing. The board may determine not to hold a public 23 hearing only if after giving notice of a hearing, no person

24 files a notice of intent to appear at the hearing to contest

25 the issuance of a permit. If no hearing is held, the board

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1.	may grant or conditionally grant a permit based on the
2	information contained in the application and the
3	department's report7provided-the-conditions-of-subsection
4	tt-are-met.
5	<u>t4)If-the-boarddecidestograntorconditionally</u>
6	grantapermitythe-decision-and-all-relevant-information
7	used-by-the-board-in-making-the-decision-must-besubmitted;
8	inthe-form-of-a-ballot-measurey-to-the-registered-electors
9	of-each-county-over-whichweathermodificationactivities
10	willoccur-under-the-permitA-vote-on-whether-to-accept-or
11	reject-the-board+s-decision-must-be-heidineachaffected
12	<u>countywithin30-days-after-the-board-s-decision-A-permit</u>
13	may-not-be-issued-by-the-board-unless-theboard-sdecision
14	isapprovedby-a-majority-vote-of-all-electors-who-vote-on
15	the-guestion.
16	$\frac{1}{1}$ (4) Costs incurred by the board in holding a hearing
17	under subsection (2)7-as-well-as-costs-associatedwiththe
18	balloting-required-under-subsection-(4); must be paid by the
19	applicant."
20	NBW-SBCTIONSection-3Bffectivedate
21	applicability{Thisact}iseffectiveonpassageand
22	approval-andappliestoanyapplicationforaweather
23	modificationpermitsubmitted-to-the-department-of-natural
24	resources-and-conservation-or-board-of-natural-resources-and
25	conservation-after-{the-effectivedateofthisact}for

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1	weathermodification-activities-to-be-conducted-in-1993-and
2	toallapplicationssubmittedforweathermodification
3	activities-to-be-conducted-in-1994-and-thereafter-
4	NEW-SECTION
5	BOARBMAYNOTISSUEAPERMITPORAPROPOSEDWEATHER
6	MODIFICATIONACTIVITYIN-MONTANA-IP-THE-PRIMARY-BENEFIT-OP
7	<u>The-weather-modification-activity-is-outsidemontanauntil</u>
8	<u> 988BBPARTMBNTPBTITIONSTHENBXT-REGULAR-SESSION-OF-THE</u>
9	LBGISLAPURB-AND-PHB-LBGISLAPURB-APPIRMS-THE-DBCISION-OPTHB
10	BOARD-TO-GRANT-THE-PERMIT-
11	NEW-SBETIONSECTION-3PROGRAMMATICBOVIRONMENTAL
12	<u>impactStatementTheBoardMay-Not-issue-a-Permit-Under</u>
13	85-3-286-UNTIL-THE-BEPARTMENT-HASPREPAREDAPROGRAMMATIC
14	BNVIRONMBNTAL-INPACT-STATEMENT-ON-ACTIVITIBS-UNDER-TITLE-857
15	CHAPTER37-A8-PROVIDED-POR-UNBER-75-1-201-AND-RULES-ADOPTED
16	PURSUANT-TO-75-1-201THE-PROGRAMMATIC-ENVIRONMENTALIMPACT
17	STATEMENT-MUST-BE-COMPLETED-BY-NOVEMBER-17-1994-
18	NEW-BECTION SECTION-4 CODIFICATION INSTRUCTION
19	{section
20	OF-TITLE-057-CHAPTER-2-37-PART37ANDTHEPROVISIONSOF
21	<u> </u>
22	NEW SECTION. SECTION 3. STATEMENT OF POLICY. THE
23	LEGISLATURE, PURSUANT TO ITS MANDATE AND AUTHORITY UNDER
24	ARTICLE IX OF THE MONTANA CONSTITUTION, DECLARES THAT IT IS
25	THE POLICY OF THE STATE THAT BEFORE FURTHER DEVELOPMENT OF

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1	CERTAIN ATMOSPHERIC WATER RESOURCES WITHIN MONTANA MAY
2	OCCUR, THE 1995 SESSION OF THE LEGISLATURE MUST BE PROVIDED
3	WITH INFORMATION CONCERNING THE EXPECTED ENVIRONMENTAL
4	IMPACTS OF ANY ANTICIPATED WEATHER MODIFICATION ACTIVITIES.
5	NEW SECTION. SECTION 4. SUSPENSION OF ACTION REPORT
6	TO LEGISLATURE. (1) PRIOR TO APRIL 30, 1995, THE BOARD MAY
7	NOT GRANT AN APPLICATION FOR A PROPOSED WEATHER MODIFICATION
8	ACTIVITY IF THE PRIMARY BENEFIT OF THE WEATHER MODIFICATION
9	ACTIVITY IS OUTSIDE MONTANA.
10	(2) FOR ANY PENDING APPLICATION OR FOR ANY APPLICATION
11	FILED AFTER [THE EFFECTIVE DATE OF THIS ACT] FOR A PERMIT TO
12	CONDUCT WEATHER MODIFICATION ACTIVITIES SUSPENDED UNDER
13	SUBSECTION (1), THE DEPARTMENT OF NATURAL RESOURCES AND
14	CONSERVATION AND THE APPLICANT SHALL, IN CONSULTATION WITH
15	THE WATER POLICY COMMITTEE, COMPLY WITH THE REQUIREMENTS OF
16	85-3-202(1), THE DEPARTMENT SHALL SUBMIT THE REPORT AND
17	ENVIRONMENTAL IMPACT STATEMENT TO THE WATER POLICY
18	COMMITTEE. THE WATER POLICY COMMITTEE SHALL CONSIDER THE
19	REPORT AND ENVIRONMENTAL IMPACT STATEMENT AND SUBMIT A FINAL
20	REPORT TO THE LEGISLATURE. THE WATER POLICY COMMITTEE NEED
21	NOT FILE A WEATHER MODIFICATION REPORT TO THE LEGISLATURE IF
22	THE DEPARTMENT DOES NOT FILE A REPORT AND ENVIRONMENTAL
23	IMPACT STATEMENT WITH THE WATER POLICY COMMITTEE PRIOR TO
24	OCTOBER 1, 1994.
25	NEW SECTION. SECTION 5. SEVERABILITY, IF A PART OF

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1	[THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
2	FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
3	ACT IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
4	REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
5	SEVERABLE FROM THE INVALID APPLICATIONS.
6	NEW SECTION. SECTION 6. RETROACTIVE APPLICABILITY.
7	[THIS ACT] APPLIES RETROACTIVELY, WITHIN THE MEANING OF
8	1-2-109, TO APPLICATIONS CURRENTLY PENDING WITH THE
9	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION ON OR AFTER
10	[THE EFFECTIVE DATE OF THIS ACT] AND TO APPLICATIONS
11	CURRENTLY PENDING WITH THE DEPARTMENT FOR WHICH A CONMITMENT
12	TO A FUNDING AGREEMENT EXISTS FOR THE PREPARATION OF AN
13	ENVIRONMENTAL IMPACT STATEMENT.
14	NEW SECTION. SECTION 7. EFFECTIVE DATE. [THIS ACT] IS
15	EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

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