

1 _____ BILL NO. _____

2 INTRODUCED BY _____

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO WEATHER
5 MODIFICATION; PROHIBITING WEATHER MODIFICATION; PROVIDING FOR A CAUSE OF ACTION;
6 PROVIDING DEFINITIONS; AND REPEALING SECTIONS 85-3-101, 85-3-102, 85-3-103, 85-3-104, 85-3-105,
7 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-
8 211, 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-
9 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."

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11 WHEREAS, it is documented that the federal government or other entities acting on the federal
12 government's behalf or at the federal government's request may conduct geoengineering experiments by
13 intentionally dispersing chemicals into the atmosphere, and those activities may occur within the State of
14 Montana; and

15 WHEREAS, the risk to human health and environmental welfare from broad scale geoengineering is
16 currently not well understood; and

17 WHEREAS, the Montana Department of Natural Resources and Conservation is responsible for
18 monitoring air, soil, and water quality and regulating industrial and agricultural emissions into the air, soil, and
19 water within the State of Montana to ensure the safety of the public, while not impeding agriculture or
20 commerce within the state; and

21 WHEREAS, it is the intent of the Legislature to protect the public health and welfare of Montanans.

22

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

24

25 NEW SECTION. **Section 1. Prohibiting weather modification.** (1) A person may not intentionally
26 inject, release, or disperse chemicals, chemical compounds, substances, or apparatuses within the borders of
27 the state from an aircraft expressly for:

28 (a) engaging in weather modification and control;

1 (b) affecting temperature; or

2 (c) affecting the intensity of the sunlight.

3 (2) The department of justice, established in 2-15-2001, shall establish and make publicly available
4 on its website an e-mail address and an online form for persons to report observed violations pursuant to this
5 section.

6 (3) The department of justice may adopt rules necessary to implement subsection (2).

7 (4) As used in this section, the following definitions apply:

8 (a) "Aircraft" means any manned or unmanned aerial vehicle or device that is used or intended to
9 be used for flight in the air.

10 (b) "Weather modification and control" means changing or controlling or attempting to change or
11 control by artificial methods the natural development of atmospheric cloud forms or precipitation forms that
12 occur in the troposphere.

13
14 **NEW SECTION. Section 2. Enforcement.** When the department of justice believes that a violation of
15 [section 1] has occurred, it may initiate action under 75-2-413. The department of justice may pursue
16 enforcement action against the federal government for a violation of [section 1].

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18 **NEW SECTION. Section 3. Repealer.** The following sections of the Montana Code Annotated are
19 repealed:

20 85-3-101. Definitions.

21 85-3-102. Standards for research in weather modification control.

22 85-3-103. Department powers.

23 85-3-104. Nonliability of state and agents for acts of private persons.

24 85-3-105. Violation as misdemeanor and continuing violations.

25 85-3-201. License and permit required for weather modification and control.

26 85-3-202. Department to review applications.

27 85-3-203. Licenses -- qualifications of licensees.

28 85-3-204. Licenses -- term and renewal.

- 1 85-3-205. License or renewal fee.
- 2 85-3-206. Permits -- requirements and hearing.
- 3 85-3-207. Separate permit for each operation.
- 4 85-3-208. Notice of intention to apply for permit.
- 5 85-3-209. Notice of intention -- contents.
- 6 85-3-210. Publication of notice of intention.
- 7 85-3-211. Proof of financial responsibility by applicant.
- 8 85-3-212. Permit fee.
- 9 85-3-213. State special revenue fund.
- 10 85-3-214. Termination of licenses and permits.
- 11 85-3-301. Records of operations maintained by licensees.
- 12 85-3-302. Reports of operations.
- 13 85-3-303. Records and reports open to public.
- 14 85-3-401. Definitions.
- 15 85-3-411. Weather modification authority created by petition -- expiration -- reinstatement.
- 16 85-3-412. Petition content.
- 17 85-3-413. Creation of authority by election.
- 18 85-3-414. Creation of authority by resolution.
- 19 85-3-415. Creation of authority by vote after resolution of county commissioners.
- 20 85-3-416. Abolishment of authority by election.
- 21 85-3-417. Procedure for abolishment of authority by recall petition -- petition form -- disposition of funds.
- 22 85-3-421. Commissioners -- compensation -- meetings -- officers -- disbursements.
- 23 85-3-422. Tax certified by weather modification authority -- disposition of proceeds.
- 24 85-3-423. County budget waived for first appropriation -- conditions.
- 25 85-3-424. Declaration of emergency -- hearing -- determination of need for weather modification
- 26 operation.

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28 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 75, chapter 2, and the provisions of Title 75, chapter 2, apply to [sections 1 and 2].

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