

HOUSE BILL NO. 1040

Introduced by

Legislative Council

(Insurance and Health Care Committee)

1 A BILL for an Act to create and enact a new section to chapter 61-04.1 of the North Dakota
2 Century Code, relating to a statewide hail suppression pilot program by the atmospheric
3 resource board; to amend and reenact section 61-04.1-12 of the North Dakota Century Code,
4 relating to hail suppression license and permit requirements; to provide an appropriation; and to
5 provide an expiration date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 61-04.1-12 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **61-04.1-12. Exemptions.**

- 10 1. The board may provide by rule for exemption of the following activities from the
11 license and permit requirements of section 61-04.1-11:
- 12 ~~4.~~ a. Research and development conducted by the state, political subdivisions of
13 the state, colleges and universities of the state, agencies of the federal
14 government, or bona fide research corporations.
 - 15 ~~2.~~ b. Weather modification operations of an emergency nature taken against fire,
16 frost, or fog.
 - 17 c. Hail suppression operations under section 2 of this Act.
- 18 2. Exempted activities ~~shall~~ must be conducted so as not to unduly interfere with
19 weather modification operations conducted under a permit issued in accordance
20 with this chapter.

21 **SECTION 2.** A new section to chapter 61-04.1 of the North Dakota Century Code is
22 created and enacted as follows:

23 **Hail suppression pilot program.** The board shall implement a statewide hail
24 suppression pilot program that provides urban and rural hail suppression services. The board

1 shall conduct a planning phase, which may not exceed twelve months, and during this phase
2 shall study the impact on the environment, provide public education, create a hypothesis
3 assessment committee, and formulate an operations plan. The operations plan must include a
4 process in which local delegates are designated and are provided a forum for stating any local
5 concerns. Immediately after the planning phase, the board shall implement the pilot program
6 and continue the program through June 30, 2005, subject to legislative appropriation. The
7 board shall adopt rules concerning the hail suppression pilot program. Hail suppression
8 services must be provided in a manner that does not allocate resources based on population
9 density and must be provided to the entire pilot program area. Hail suppression operation
10 decisionmaking under this section must consider local concerns of local delegates; public
11 health, safety, and welfare concerns; and environmental concerns. This section does not
12 prohibit any county from participating in weather modification operations under this chapter.

13 **SECTION 3. APPROPRIATION.** There is hereby appropriated out of any moneys in
14 the general fund in the state treasury, not otherwise appropriated, the sum of \$3,100,000, or so
15 much of the sum as may be necessary, to the state water commission for the purpose of
16 implementing the hail suppression pilot program, for the biennium beginning July 1, 1999, and
17 ending June 30, 2001.

18 **SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2005, and
19 after that date is ineffective.