Senate Bill 58

Sponsored by Senator FINDLEY (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Makes certain findings concerning cloud seeding. Provides Water Resources Department with specified authority concerning cloud seeding.

A BILL FOR AN ACT

Relating to cloud seeding.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, “cloud seeding”:

(a) Means all acts undertaken to artificially distribute or create nuclei in cloud masses for the purposes of inducing precipitation, cloud forms or other meteorological parameters.

(b) Does not mean the suppression of fog, or frost prevention measures, for the protection of orchards or crops.

(2) The Legislative Assembly finds that:

(a) The economy of Oregon and the welfare of Oregonians depends on a reliable and sustainable water supply, so it is essential that the state continues to identify, develop and implement projects that augment and sustain the state's water resources.

(b) A cloud seeding program developed and implemented by the Water Resources Department, in cooperation with interested stakeholders, presents a unique and innovative opportunity to augment and sustain the state's water resources.

(c) Augmenting water supplies through cloud seeding is in the public interest.

(d) The public benefits of cloud seeding include the protection of water rights, municipal and business activities that depend on water, water quality, energy production, recreation and fish and wildlife, as well as drought mitigation.

(e) Data and analysis demonstrate that cloud seeding has results in annual increases in water supplies in water basins.

(f) Additional research and analysis are needed to determine the precise nature and extent to which cloud seeding can increase water supplies.

(g) The development of a cloud seeding program may benefit water basins throughout the state that experience depleted or insufficient water supplies.

(3) The department:

(a) Shall adopt rules authorizing cloud seeding programs.

(b) Shall adopt rules ensuring that water generated through cloud seeding programs is distributed in accordance with Oregon water laws.

(c) May develop or assist with developing local or statewide cloud seeding programs.

(d) May contract with an individual or organization for consultation related to, or as-
sistance with developing, cloud seeding programs, or for research related to cloud seeding.

e) May assess the potential for cloud seeding in the Deschutes Basin and work with
stakeholders to implement the cloud seeding.

f) May provide funding for cloud seeding programs only if the cloud seeding programs
relate to water basins that the department has found lack sufficient water supplies to sup-
port existing water rights, water quality, recreation or fish and wildlife uses.

4) If the department assesses or implements cloud seeding in the Deschutes Basin, the
department shall report, in the manner provided in ORS 192.245, to a committee or interim
committee of the Legislative Assembly related to water on the assessment or implementa-
tion.

5) Notwithstanding any contrary provision of law, cloud seeding authorized or funded in
whole or in part by the department may not:

(a) Result in legal liability for trespass or public or private nuisance.

(b) Be subject to any state or local permitting requirements.