

By: Carona

S.B. No. 671

A BILL TO BE ENTITLED

AN ACT

relating to the deregulation of weather modification operations.

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

SECTION 1. Section 301.001, Agriculture Code, is amended by amending Subdivisions (1) and (5) and adding Subdivision (1-a) to read as follows:

(1) "Department" means the Texas Department of Licensing and Regulation.

(1-a) "Executive director" means the executive director of the department [~~Texas Department of Licensing and Regulation~~].

(5) "Weather modification and control program" means the research, development, [~~licensing, and permitting~~] and other associated activities to be administered by the department [~~Texas Department of Licensing and Regulation~~].

SECTION 2. Subchapter A, Chapter 301, Agriculture Code, is amended by adding Sections 301.002 and 301.003 to read as follows:

Sec. 301.002. REGIONAL PLANNING OF WEATHER MODIFICATION.

(a) A regional planning commission, council of governments, or similar regional planning agency created under Chapter 391, Local Government Code, may coordinate weather modification operations in the territory of the commission, council, or agency and with other commissions, councils, or agencies.

(b) A person who engages in activities for weather

1 modification and control must be in compliance with any plans or
2 recommendations adopted in accordance with Subsection (a) by the
3 commission, council, or agency.

4 (c) A person may not engage in activities for weather
5 modification and control in an area where the applicable
6 commission, council, or agency has not coordinated weather
7 modification operations as provided by Subsection (a).

8 Sec. 301.003. APPLICATION OF CERTAIN LAW. Section 51.202,
9 Occupations Code, does not apply to the department in the
10 administration of this chapter.

11 SECTION 3. Section 301.051, Agriculture Code, is amended to
12 read as follows:

13 Sec. 301.051. RULES. The department [~~Texas Department of~~
14 ~~Licensing and Regulation~~] may adopt rules necessary to:

15 (1) exercise the powers and perform the duties under
16 this chapter; and

17 (2) [~~establish procedures and conditions for the~~
18 ~~issuance of licenses and permits under this chapter, and~~

19 [~~(3)~~] establish standards and instructions to govern
20 the carrying out of research or projects in weather modification
21 and control that the department [~~Texas Department of Licensing and~~
22 ~~Regulation~~] considers necessary or desirable to minimize danger to
23 health or property.

24 SECTION 4. Section 301.052, Agriculture Code, is amended to
25 read as follows:

26 Sec. 301.052. STUDIES [~~, INVESTIGATIONS, HEARINGS~~]. The
27 department [~~Texas Department of Licensing and Regulation~~] may make

1 any studies or [~~investigations,~~] obtain any information[~~, and hold~~
2 ~~any hearings~~] necessary or proper to administer [~~or enforce~~] this
3 chapter [~~or any rules or orders issued under this chapter~~].

4 SECTION 5. The heading to Subchapter G, Chapter 301,
5 Agriculture Code, is amended to read as follows:

6 SUBCHAPTER G. IMMUNITY [~~, CERTAIN LEGAL RELATIONSHIPS~~]

7 SECTION 6. Section 301.302, Agriculture Code, is amended to
8 read as follows:

9 Sec. 301.302. PRIVATE LEGAL RELATIONSHIPS. [~~(a)~~] This
10 chapter does not affect private legal relationships, except that an
11 operation conducted under [~~the license and permit requirements of~~]
12 this chapter is not an ultrahazardous activity that makes the
13 participants subject to liability without fault.

14 [~~(b) The fact that a person holds a license or permit under~~
15 ~~this chapter or that the person has complied with this chapter or~~
16 ~~the rules issued under this chapter is not admissible as evidence in~~
17 ~~any legal proceeding brought against the person.~~]

18 SECTION 7. The following provisions of the Agriculture Code
19 are repealed:

20 (1) Section 301.060; and

21 (2) Subchapters C, D, E, and F, Chapter 301.

22 SECTION 8. The Texas Department of Licensing and Regulation
23 may not institute a penalty under Section 301.201, Agriculture
24 Code, on or after the effective date of this Act. If on the
25 effective date of this Act a penalty under Section 301.201,
26 Agriculture Code, is pending, the action is dismissed on that date.
27 However, a final decision or an order for a penalty under Section

1 301.201, Agriculture Code, that exists on the effective date of
2 this Act is unaffected by this Act.

3 SECTION 9. The changes in law made by this Act to Section
4 301.302, Agriculture Code, do not affect any suit, proceeding, or
5 appeal pending on the effective date of this Act. A suit,
6 proceeding, or appeal pending on the effective date of this Act is
7 governed by the law in effect on the date the suit, proceeding, or
8 appeal was filed, and the former law is continued in effect for that
9 purpose.

10 SECTION 10. This Act takes effect September 1, 2013.