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Adoption of "sunset laws" by two-thirds of the states since 1976 is a significant development in the legal regime regulating atmospheric resources management. Reacting to the view that "old agencies never die nor even fade away," sunset acts have been passed which prospectively repeal agency and program authorization laws. The sun sets on them unless they are reestablished by statute. These laws are now in place in over half of the states that regulate cloud seeding, including such jurisdictions as Colorado, Oklahoma, South Dakota, Texas, Utah and Wisconsin (Common Cause, 1977).

Sunset laws differ. "High noon" laws in a few states, such as Alabama, require reauthorization of all agencies within a short time. There the legislators, realizing that wholesale shoot-outs were unnecessary bloodbaths, kept all agencies. Too much of a good thing saved both the good guys and the bad guys at high noon (Adams and Sherman, 1978). The more common sunset laws have a more limited reach; they sunset only some bodies (usually regulatory agencies), schedule a sequential consideration of them and provide for careful review and evaluation.

Among the basic principles of the sunset process are:

1. "[T]here will be an end to government programs . . . , they do not continue forever . . . , the sun must set on them before they can be recreated." (Muskie, 1977).
2. Such automatic termination will be periodic; the sun will set on a regular cycle such as the six year reauthorization schedule in the Utah law.
3. The sunset program, except in high noon states, will be phased in gradually. For example, the Wisconsin proposal terminates the first batch of agencies in 1984 and lists entities, including the Weather Modification Council, to expire through 1992 unless the legislature breathes new life into them.
4. Statutory review criteria are listed against which need for regulation and performance will be measured. Wyoming, as an illustration, lists sixteen factors relating to the need for regulation and the means to carry it out.
5. Statutory review procedures call for in-depth studies and evaluations (Adams, 1976).

The Illinois Regulatory Agency Sunset Act of 1979 followed that procedure. It repealed the state Weather Modification Control Act effective October 1, 1981. Then the state Bureau of the Budget and the governor reviewed and reported to the legislature on the regulatory performance of the state's Department of Registration and Education and the Weather Modification Board and on budgetary matters. A Select Committee on Regulatory Agency Reform consisting of three members of the senate, three members of the house and five gubernatorial appointees studied the agencies and made its recommendation to the legislature (Davis, 1980). The legislature, with the benefit

of the reports, amended the Weather Modification Control Act and extended its life for ten years. The Illinois cloud seeding regulators did not ride off into the sunset like John Wayne, but emerged into a new dawn.

Most state sunset laws now on the books do not mention weather modification. They will do so sooner or later; regulatory agencies with a small flow of business are ideal targets for sunseting. In 1981 the Wyoming weather modification board was sunset and its functions transferred to the state engineer because it had had so little activity. And reduced cloud seeding in South Dakota was given by the governor as the reason for providing in an executive order in 1981 for the shift of the regulatory power from the state weather modification control commission.

The sunset process can have significant impacts on cloud seeding regulation. In Illinois the makeup of the weather modification board was changed from representation of various interest groups to the heads of three state agencies or their designees, regulatory power was moved to the Natural Resources Department and the requirement for professional licensing was dropped. Sunsetting impacts both regulatory procedures and substantive cloud seeding law. Members of the weather modification community should participate in its review and evaluation process.

REFERENCES

- Adams, Bruce, 1976. Sunset: A Proposal for Accountable Government. Admin. Law Rev. 28, 511, 527-41.
- Adams, Bruce and Betsy Sherman, 1978. Sunset Implementation: A Positive Partnership to Make Government Work. Public Admin. Rev. 38, 78.
- Common Cause, 1978. Making Government Work: A Common Cause Report on Sunset Activity.
- Davis, Ray Jay, 1980. Legal Setting for PACE § 2.11.
- Muskie, Edmund, 1977. Sunset: New Sunlight on Government. Trial 13, Feb. 47.

WEATHER MODIFICATION LAWS

- LIST OF STATES -

As of January 1, 1982, the following state weather modification laws were in force in the United States:

ARIZONA: ARIZ. REV. STAT. ANN. SS 45-2401 through 45-2407 (1956 & Supp. 1980-1981).

CALIFORNIA: CAL. GOV'T CODE S 235 (West 1980) (Authority to study, research, experiment);
CAL. GOV'T CODE S 53063 (West 1966) (Authority for counties to engage in weather modification activities);
CAL. WATER CODE SS 400 through 445 (West 1971 & Supp. 1981) (Regulatory statute).

COLORADO: COLO. REV. STAT. SS 36-20-101 through 36-20-126 (1973 & Supp. 1980).

DELAWARE: 61 Del. Laws 823, 824 (1978) (Created and funded an experimental project);
H. Con. Res. 85, 130th Gen. Assembly (1979) (Clarified the earlier law).

FLORIDA: FLA. STAT. SS 403.281 through 403.411 (1979).

HAWAII: HAWAII REV. STAT. S 174-5 (8) (1976) (Authorizes the Board of Land and Natural Resources to investigate the possibility and feasibility of inducing rain by artificial or other means).

IDAHO: IDAHO CODE SS 22-3201 and 22-3202 (1977) (Regulatory statute);
IDAHO CODE SS 22-4301 and 22-4302 (1977) (Weather Modification Districts);
IDAHO CODE S 46-1015 (1977) (Curtailed weather modification activities in event of disaster due to weather).

ILLINOIS: ILL. ANN. STAT. ch. 111, SS 7301 through 7344 (Smith-Hurd 1978 & Supp. 1981-1982) (Regulatory statute) Amended by Public Act 82-172, signed Aug. 13, 1981;
ILL. ANN. STAT. ch. 96 1/2, S 7403(16) (Smith-Hurd Supp. 1981-1982) (Authorizes the State Water Survey Division of the Institute of Natural Resources to monitor and evaluate all weather modification operations in Illinois);
Act of Aug. 19, 1981, Pub. Act. No. 82-282 (Special Service Areas for weather control).

INDIANA: IND. CODE ANN. SS 13-1-1.5-1 through 13-1-1.5-17 (Burns 1981).

IOWA: IOWA CODE ANN. SS 361.1 through 361.7 (West 1977).

KANSAS: KAN. STAT. ANN. SS 82a-1421 through 82a-1425 (1976) (Regulatory statute);
KAN. STAT. ANN. S 19-212f (1980) (Authorization to counties to engage in weather modification);
1981 Kan. Sess. Laws, 1180 (Administrative changes in weather modification activities -- establishes the Kansas Water Office).

LOUISIANA: LA. REV. STAT. ANN. SS 2201 through 2208 (West 1974) (Regulatory statute);
1981 La. Acts No. 271 (Weather modification program established in Department of Agriculture).

MASSACHUSETTS: 1974 Mass. Acts, 807, 814 (Repealed the section of the code providing for the Weather Amendment Board);
1974 Mass. Acts, 807, 816 (Powers and duties of Weather Amendment Board transferred to the Department of Environmental Management of the Executive Office of Environmental Affairs).

MICHIGAN: MICH. COMP. LAWS ANN. SS 295-101 through 295-132 (Supp. 1981-1982) (Regulatory statute);
MICH. COMP. LAWS ANN. S 46.11(t) (Supp. 1981-1982) (Authorizes counties to authorize weather modification activities).

MINNESOTA: MINN. STAT. ANN. SS 42-01 through 42.14 (West 1981).

MONTANA: MONT. CONST. art. 9, S 3(3) (1981) (All water, including atmospheric, within state is property of the state);
MONT. CODE ANN. SS 85-3-101 through 85-3-303 (1981) (Regulatory statute).

NEBRASKA: NEB. REV. STAT. SS 2-2401 through 2-2449 (1977).

NEVADA: NEV. REV. STAT. SS 544.010 through 544.240 (1977) (Regulatory statute);
NEV. REV. STAT. S 244.190 (1979) (Counties authorized to enter into cooperative agreements regarding weather modification).

WEATHER MODIFICATION LAWS - LIST OF STATES - (Con't.)

NEW HAMPSHIRE: N.H. REV. STAT. ANN. S 432.1 (1968) (Authorization to experiment).

NEW MEXICO: N.M. STAT. ANN. SS 75-3-1 through 75-3-15 (1979).

NEW YORK: N.Y. GEN. MUN. LAW S 119-p (McKinney 1974) (Authorization to municipal corporations to engage in experimentation, etc. in weather modification).

NORTH DAKOTA: N.D. CENT. CODE SS 61-04.1-01 through 61-04.1-1-41 (Supp. 1981) (Regulatory statute; transferred supervision of weather modification activities from the Aeronautics Commission to the State Water Commission; repealed chapter 2-07 of the code);

N.D. CENT. CODE S 37-17-1.-15 (1972) (Division of Disaster Emergency Services may direct officer or agency empowered to issue weather modification permits to suspend same in event of weather disaster or emergency);

N.D. CENT. CODE S 53-03-07(17) (1960) (Electors of township may authorize funds for weather modification).

OKLAHOMA: OKL. STAT. ANN. tit. 2, SS 1401 through 1432 (West Supp. 1980).

OREGON: OR. REV. STAT. SS 558.010 through 558.990 (1975) (Regulatory statute);

OR. REV. STAT. S451.573(2) (h) (1979) (Weather modification district may be a "special district" as defined in the statute).

PENNSYLVANIA: PA. STAT. ANN. tit. 3, SS 1101 through 1118 (Purdon Supp. 1981-1982).

SOUTH DAKOTA: S.D. COMP. LAWS ANN. SS 46-3A-1 through 46-3A-31 (Supp. 1981) (Regulatory statute); S.D. COMP. LAWS ANN. S 10-12-18 (1967 & Supp. 1981) (Tax by counties to provide for weather modification);

Exec. Order No. 81-02, S. JOUR. TUESDAY, JANUARY 13, 1981-5th L.D. (Exec. Reorg. Order No. 1 of 1981), S 18 (abolished the weather modification commission transferring its functions to the water management board);

S.D. COMP. LAWS ANN. S 46-3A-4.1 (Supp. 1981) (Codification of above exec. order).

TEXAS: TEX. WATER CODE ANN. tit. 2, SS 18-001 to 18.172 (Vernon Supp. 1980-1981) (Regulatory statute);

TEX. REV. CIV. STAT. ANN. art. 6889-7 (Vernon Supp. 1980-1981) (Disaster Act of 1975, see section 16 on weather modification).

UTAH: UTAH CODE ANN. SS 73-15-3 through 73-15-8 (1980) (Regulatory statute);

UTAH CODE ANN. S 17-8-7 (1953) (Appropriation for programs by counties to increase precipitation during drought emergencies).

WASHINGTON: WASH. REV. CODE SS 43.37.010 through 43.37.910 (1977) (Regulatory statute);

Substitute S. Bill 4087, 47th Legis., Reg. Sess. (1981) (Adds to WASH, REV. CODE SS 43.21C and 43.37 on dealing with drought conditions through weather modification).

WEST VIRGINIA: W. VA. CODE SS 29-2B-1 through 29-2B-15 (1980).

WISCONSIN: WIS. STAT. ANN. S 93-35 (West Supp. 1981-1982) (Regulatory statute);

WIS. STAT. ANN. S 15-137(4) (West 1972 & Supp. 1981-1982) (Creates Council on Weather Modification).

WYOMING: WYO. STAT. SS 9-3-1503 through 9-3-1508 (1977 & Supp. 1981) (Regulatory statute);

1981 Wyo. Sess. Laws 5 (Transfer duties of Weather Modification Board to State Engineer).