

HOUSE BILL No. 2439

By Committee on Federal and State Affairs

Requested by Representative Resman

1-14

AN ACT concerning public health and the environment; enacting the Kansas geoengineering and weather modification prohibition act; prohibiting geoengineering and weather modification activities; providing criminal penalties for certain violations of the act; assigning enforcement authority to the department of health and environment; authorizing the secretary to adopt rules and regulations as necessary; requiring operators of public-use airports to report any violations to the department of transportation on a monthly basis; requiring the department of transportation to send such reports to the secretary of health and environment and the applicable state law enforcement agency; authorizing the secretary of transportation to adopt rules and regulations as necessary; repealing the Kansas weather modification act; repealing K.S.A. 82a-1401, 82a-1402, 82a-1403, 82a-1405, 82a-1406, 82a-1407, 82a-1408, 82a-1409, 82a-1410, 82a-1411, 82a-1412, 82a-1413, 82a-1414, 82a-1415, 82a-1416, 82a-1417, 82a-1418, 82a-1419, 82a-1420, 82a-1421, 82a-1422, 82a-1423, 82a-1424 and 82a-1425.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This act shall be known and may be cited as the Kansas geoengineering and weather modification prohibition act.

(b) The purpose of this act is to:

(1) Prohibit geoengineering or weather modification activity; and

(2) authorize the department of health and environment to enforce such prohibition.

Sec. 2. As used in this act, the following words and phrases shall have the meanings given to them below, unless the context requires otherwise:

(1) "Act" means sections 1 through 7, and amendments thereto.

(2) "Aircraft" means a powered or unpowered machine or device capable of atmospheric flight. "Aircraft" does not mean a parachute or other such device used primarily as safety equipment.

(3) "Department" means the department of health and environment.

(4) "Geoengineering or weather modification activity" means the injection, release or dispersion of chemicals, substances or apparatus into

1 the atmosphere within the borders of the state of Kansas for the express
2 purpose of affecting temperature, weather, climate or the intensity of
3 sunlight.

4 (5) "Person" means an individual or a company, partnership,
5 corporation, society association or governmental agency and any
6 authorized agent thereof.

7 (6) "Public use general aviation airport" means the same as defined in
8 K.S.A. 75-5061, and amendments thereto.

9 (7) "Secretary" means the secretary of health and environment.

10 Sec. 3. (a) Geoengineering or weather modification activities are
11 prohibited.

12 (b) (1) (A) Any person, including any public or private corporation,
13 who violates the prohibition of subsection (a) commits a severity level 6,
14 nonperson felony and shall be subject to a fine not exceeding \$100,000.

15 (B) In addition to any other penalty imposed under this section, if a
16 corporation violates the prohibition of subsection (a), the officers, directors
17 or employees of the corporation who knowingly commit the violation shall
18 each be subject to a fine not exceeding \$100,000.

19 (C) In addition to any other penalty imposed under this section, if an
20 aircraft operator or controller violates the prohibition of subsection (a),
21 such person commits a severity level 6, nonperson felony and a fine not
22 exceeding \$5,000.

23 (2) Each violation of subsection (a) shall constitute a separate
24 offense.

25 (c) All moneys collected pursuant to this section shall be deposited in
26 the air quality fee fund established by K.S.A. 65-3024, and amendments
27 thereto.

28 Sec. 4. (a) Any person who observes a geoengineering or weather
29 modification activity conducted in violation of section 3, and amendments
30 thereto, may report the observed violation to the department online or by
31 telephone, mail or email.

32 (b) The department shall establish an email address and an online
33 form for persons to report observed violations under this section and shall
34 make the email address and online form publicly accessible on the
35 department's website.

36 (c) The department shall establish a method for intake and screening
37 of reports made under this section and investigate any report that warrants
38 further review to determine whether there are violations of section 3, and
39 amendments thereto.

40 (d) The department shall refer reports of observed violations made
41 under this section to the adjutant general, if appropriate.

42 (e) The secretary may adopt any rules and regulations necessary to
43 implement this section.

1 Sec. 5. (a) The department shall be the primary agency responsible
2 for administering and enforcing this act. The secretary shall be authorized
3 to take all actions necessary to implement and enforce this act, including
4 investigation, issuance of notices of violation, assessment of
5 administrative penalties where authorized by law, referral for criminal
6 prosecution and coordination with state and local law enforcement.

7 (b) The secretary may enter into interagency agreements to facilitate
8 reporting, investigation or enforcement under this act.

9 Sec. 6. (a) Beginning on October 1, 2026, and every month thereafter,
10 all operators of public use general aviation airports shall report to the
11 department of transportation, using a method determined by the secretary
12 of transportation, the following:

13 (1) The physical presence of any aircraft on public property,
14 including any public use general aviation airport, equipped with any part,
15 component or device that may be used to support a geoengineering or
16 weather modification activity; and

17 (2) the landing, takeoff, stopover or refueling of an aircraft equipped
18 with the components outlined in paragraph (1) on the physical location of
19 the public use general aviation airport.

20 (b) State funds shall not be expended pursuant to K.S.A. 75-5061,
21 and amendments thereto, to support a project or program located on or in
22 support of any public use general aviation airport that is not in compliance
23 with this section until such time as the entity becomes compliant with this
24 section.

25 (c) Upon receipt of the reports required in subsection (a), the
26 department of transportation shall submit aggregated reports to the
27 secretary of health and environment and the applicable state law
28 enforcement agency in support of the enforcement of section 3, and
29 amendments thereto.

30 (d) The department of transportation shall incorporate reporting
31 guidelines in all grant agreements for any public use general aviation
32 airport that receive state funds pursuant to K.S.A. 75-5061, and
33 amendments thereto.

34 (e) The secretary of transportation may adopt rules and regulations as
35 necessary to implement this section.

36 Sec. 7. The provisions of this act are severable. If any provision of
37 this act is declared unconstitutional or invalid, or the application of any
38 portion of the act to any person or circumstance is held unconstitutional or
39 invalid, the invalidity shall not affect other portions of the act that can be
40 given effect without the invalid portion or application, and the
41 applicability of such other portions of the act to any person or
42 circumstance shall remain valid and enforceable.

43 Sec. 8. K.S.A. 82a-1401, 82a-1402, 82a-1403, 82a-1405, 82a-1406,

1 82a-1407, 82a-1408, 82a-1409, 82a-1410, 82a-1411, 82a-1412, 82a-1413,
2 82a-1414, 82a-1415, 82a-1416, 82a-1417, 82a-1418, 82a-1419, 82a-1420,
3 82a-1421, 82a-1422, 82a-1423, 82a-1424 and 82a-1425 are hereby
4 repealed.

5 Sec. 9. This act shall take effect and be in force from and after its
6 publication in the statute book.