

SENATE BILL No. 449

By Committee on Federal and State Affairs

2-2

1 AN ACT concerning weather modification; enacting the clean air
2 preservation act; prohibiting solar radiation modification,
3 geoengineering, weather modification, cloud setting and other polluting
4 atmospheric experiments or interventions; creating a crime for violation
5 thereof and imposing penalties thereto; repealing the Kansas weather
6 modification act; repealing K.S.A. 82a-1401, 82a-1402, 82a-1403, 82a-
7 1405, 82a-1406, 82a-1407, 82a-1408, 82a-1409, 82a-1410, 82a-1411,
8 82a-1412, 82a-1413, 82a-1414, 82a-1415, 82a-1416, 82a-1417, 82a-
9 1418, 82a-1419, 82a-1420, 82a-1421, 82a-1422, 82a-1423, 82a-1424
10 and 82a-1425.

11

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

13 New Section 1. (a) This section shall be known and may be cited as
14 the clean air preservation act.

15 (b) As used in this act, unless the context clearly indicates otherwise:

16 (1) "Air national guard" means the Kansas air national guard, which
17 is the aerial militia of the state of Kansas.

18 (2) "Artificial intelligence" means a field of science and technology
19 encompassing systems and tools that can perform tasks typically requiring
20 human intelligence, such as learning, reasoning, pattern recognition and
21 decision-making, often through computational techniques like machine
22 learning and neural networks.

23 (3) "Atmospheric activity" means any experiment or intervention
24 involving the release of pollutants, conducted by any iteration of human,
25 machine learning or artificial intelligence, or any combination thereof, that
26 occurs in the atmosphere and may have harmful consequences upon
27 health, the environment or agriculture.

28 (4) "Chaff" means aluminum-coated silica glass fibers typically
29 dispersed in bundles containing 5,000,000 through 100,000,000 inhalable
30 fibers that fall to the ground in about one day, or for nano-chaff, years, and
31 then fall and break apart. Perfluoroalkyl and polyfluoroalkyl substances,
32 known also as forever chemicals, are an ingredient in chaff.

33 (5) "Cloud seeding" means a type of precipitation by dispersing
34 chemicals or aluminum into the atmosphere by means of aircraft or
35 ground generators.

36 (6) "Entity" means an individual, trust, firm, joint stock company,

1 corporation, including a quasi-governmental corporation,
2 nongovernmental organization, partnership, association, syndicate, fire
3 district, club, nonprofit corporation, commission, postsecondary
4 educational institution, governmental entity, any interstate or international
5 governance or instrumentality of the federal government, including
6 foreign, domestic and mercenary armed services or region with the United
7 States, artificial intelligence or any other legal or commercial entity.

8 (7) "Geoengineering" means the intentional large-scale alteration or
9 manipulation of the environment, typically involving the release of
10 aerosols, chemicals, chemical compounds, electromagnetic radiation or
11 other physical agents that increase air pollution and effect changes to
12 earth's atmosphere or surface, including solar radiation modification,
13 sunlight reflection methods, climate intervention, stratospheric aerosol
14 injection, cirrus cloud thinning, marine cloud brightening or cloud seeding.

15 (8) "Hazard" means a substance or physical agent that by its nature is
16 harmful to living organisms, generally, or to property or another interest of
17 value.

18 (9) "Intervention" means the act of interfering with weather
19 processes, altering atmospheric or environmental conditions or releasing
20 pollutants by methods that include, but are not limited to, solar radiation
21 modification, sunlight reflection methods, stratospheric aerosol injection,
22 marine cloud brightening, cirrus cloud thinning, weather modification,
23 cloud seeding and outdoor pollution dispersion modeling.

24 (10) "Law enforcement officer" means the same as defined in K.S.A.
25 12-16,139, and amendments thereto.

26 (11) "Machine learning" means the process in which a machine can
27 learn on its own without being explicitly programmed.

28 (12) "Physical agent" means an agent other than a substance,
29 including, but not limited to, radiofrequency or microwave radiation and
30 other electromagnetic radiation and fields, barometric pressure,
31 temperature, gravity, kinetic weaponry, mechanical vibration and sound.

32 (13) "Pollutant" means aerosol, biologic or genetically modified
33 agent, chaff, metal, radioactive material, acid, alkali, chemical, chemical
34 compound, containment, microelectronic mechanical systems or smart
35 dust, smoke, soot, substance, fume, vapor, air pollutant regulated by the
36 state of Kansas, mechanical vibration or other physical agent, particulate,
37 waste, including materials that may be recycled, reconditioned or
38 reclaimed, solid liquid, gaseous or thermal irritant or artificially produced
39 electric field, magnetic field, electromagnetic field, electromagnetic pulse,
40 sound wave, sound pollution, light pollution, microwave radiation or
41 ionizing or non-ionizing radiation.

42 (14) "Release" means any activity that results in the issuance of
43 contaminants such as the emitting, transmitting discharging or injecting of

1 one or more nuclear, biological, trans-biological, chemical or physical
2 agents into the ambient atmosphere, whether once, intermittently of
3 continuously.

4 (15) "Solar radiation modification" or "sunlight reflection methods"
5 means an experiment in the earth's climatic system involving the release of
6 pollutants that reduces the amount of sunlight reaching the earth's surface.
7 "Solar radiation modification" or "sunlight reflection methods" involves
8 the use of interoperable ground-based, airborne and space-based facilities.

9 (16) "Weather engineering" means the deliberate manipulation of the
10 environment for purposes that include changing the weather or climate by
11 artificial means, typically involving the release of pollutants into the
12 atmosphere through or by means of cloud seeding, for small-scale, large-
13 scale and global-scale alterations of the environment.

14 (17) "Weather modification" means changing, controlling or
15 interfering with or attempting to alter, control or interfere with the natural
16 development of cloud forms, precipitation, barometric pressure
17 temperature, conductivity or other electromagnetic or sonic characteristics
18 of the atmosphere.

19 (c) (1) All government and military projects shall meet the
20 requirements of this act. If any activity deemed hazardous by this act has
21 been approved, explicitly or implicitly, by the federal government, a law
22 enforcement agency shall issue a notice to the appropriate federal agency
23 that the activity cannot lawfully be carried out within or over the state of
24 Kansas.

25 (2) Law enforcement agencies shall implement this act, which shall
26 include determining whether violations of this act have occurred and, if
27 deemed necessary, referring potentially prohibited activity to the air
28 national guard. Within 120 days after the enactment of this act, law
29 enforcement agencies and the air national guard shall develop a policy to
30 determine the process for assessment of violations and the enforcement
31 procedure.

32 (3) If deemed necessary, the air national guard may interdict
33 document identification tail numbers, secure photographic evidence,
34 sample aerosolized effluents or particulates, utilize mass spectrometers and
35 other appropriation scientific instrumentation and engage with an aircraft
36 violating this act to escort such aircraft to the nearest airport for
37 investigation, securing of evidence and documentation of violation.

38 (4) Solar radiation modification and other atmospheric
39 experimentation methods include the use of interoperable ground-based,
40 airborne and space-based facilities and heightened radiation levels.
41 Communications facilities shall be subject to evaluation by an independent
42 licensed radiofrequency engineer paid for by the facility owner. Evaluation
43 shall include current purposes and future capabilities of facilities,

1 including potential uses of artificial intelligence.

2 (5) The radiofrequency engineer shall provide findings in a report to
3 be submitted to local law enforcement agencies. The radiation signal
4 strength metered at the reported location shall not exceed -75 decibel-
5 milliwatt for any frequency or channel band specified by a transmitting
6 entity's United States federal communications commission transmission
7 license. If signal strength metered by the radiofrequency engineer is in
8 excess of -75 decibel-milliwatt, the facility operator shall have 30 days to
9 achieve compliance without disruption to performance of personal
10 wireless services. Law enforcement agencies shall perform random testing
11 from time to time to ensure facility compliance with this act. Failure to
12 comply shall result in a fine of not more than \$50,000 per day for each day
13 that the facility is not in compliance. Deliberate falsification or altering of
14 information related to this section shall constitute a violation of this act.
15 All entities operating in the state of Kansas shall comply with the
16 requirements of this section.

17 (d) An entity that engages in a polluting atmospheric intervention or
18 uses an unmarked or unidentified aircraft or any other vehicle or facility to
19 carry out a weather engineering or other polluting intervention shall:

20 (1) Be guilty of a severity level 7 felony and pay a fine of not to
21 exceed \$100,000 if a corporation, the officers, directors or employees of
22 such corporation commit such felony or a fine of not to exceed \$5,000 if
23 an aircraft operator or controller commits such felony;

24 (2) be guilty of a separate offense for each day that prohibited activity
25 has been conducted, repeated or continued; and

26 (3) be deemed in violation of this act and be subject to any further
27 penalties of Kansas pollution laws.

28 Sec. 2. K.S.A. 82a-1401, 82a-1402, 82a-1403, 82a-1405, 82a-1406,
29 82a-1407, 82a-1408, 82a-1409, 82a-1410, 82a-1411, 82a-1412, 82a-1413,
30 82a-1414, 82a-1415, 82a-1416, 82a-1417, 82a-1418, 82a-1419, 82a-1420,
31 82a-1421, 82a-1422, 82a-1423, 82a-1424 and 82a-1425 are hereby
32 repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.