

SENATE BILL NO. 1368

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

5337S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 640, RSMo, by adding thereto two new sections relating to weather modification, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 640.800 and 640.801,
3 to read as follows:

640.800. 1. As used in this section, the following
2 terms mean:

3 (1) "Department", the Missouri department of natural
4 resources;

5 (2) "Weather modification", the injection, release, or
6 dispersion, by any means, of a chemical, a chemical
7 compound, a substance, or an apparatus into the atmosphere
8 in the state for the purpose of affecting the temperature,
9 weather, climate, or intensity of sunlight.

10 2. No person or entity shall engage in weather
11 modification in the state. Any person or entity who
12 violates provisions of this section shall be subject to the
13 following penalties:

14 (1) A class E felony; and

15 (2) A civil penalty not to exceed two hundred thousand
16 dollars.

17 3. Any individual may report violations of this
18 section to the department. If the department finds that a
19 violation occurred, the department shall ask the attorney
20 general to commence an action in the court of competent
21 jurisdiction. If the court finds that a violation occurred,
22 the court may grant damages, civil penalties, criminal
23 penalties, injunctive relief, attorney fees, and any such
24 other relief the court finds appropriate.

25 4. The department shall create an online publically
26 accessible form for the purpose of reporting any instance of
27 weather modification in the state. The department shall
28 also establish a screening method of reports under this
29 subsection and shall investigate each report for any
30 violations of this section.

31 5. All moneys collected from civil penalties under
32 this section shall be deposited into the natural resources
33 protection fund air pollution permit fee subaccount
34 established pursuant to section 640.220.

35 6. The department shall promulgate rules to enforce
36 provisions of this section. Any rule or portion of a rule,
37 as that term is defined in section 536.010, that is created
38 under the authority delegated in this section shall become
39 effective only if it complies with and is subject to all of
40 the provisions of chapter 536 and, if applicable, section
41 536.028. This section and chapter 536 are nonseverable and
42 if any of the powers vested with the general assembly
43 pursuant to chapter 536 to review, to delay the effective
44 date, or to disapprove and annul a rule are subsequently
45 held unconstitutional, then the grant of rulemaking
46 authority and any rule proposed or adopted after August 28,
47 2026, shall be invalid and void.

640.801. 1. As used in this section, the following
terms mean:

- (1) "Aircraft", a machine, a vehicle, or device capable of atmospheric flight, except a parachute or other device used primarily as safety equipment;
- (2) "Airport", the same as defined in section 305.120;
- (3) "Department", the Missouri department of natural resources;
- (4) "Weather modification", the same as defined in section 640.800.

2. Beginning on or after January 1, 2027, all operators of airports in the state shall submit monthly reports to the department, using a method determined by the department. Such reports shall contain the following:

- (1) Any physical presence of an aircraft on the premises of any airport if the aircraft is equipped with any part, component, device, or otherwise, which may be used for the purpose of weather modification; or
- (2) The landing, takeoff, stopover, or refueling of any aircraft equipped with parts, components, or devices described in subdivision (1) of this subsection located on the premises of any airport in the state.

3. The department shall review the reports under subsection 2 of this section to determine whether any violation occurred pursuant to the provisions of section 640.800. If the department determines that a violation or violations occurred, the department shall ask the attorney general to commence an action pursuant to the provisions of section 640.800.

4. The department shall submit aggregate reports under subsection 2 of this section to the Missouri department of transportation every quarter of each calendar year. The

33 Missouri department of transportation shall not expend any
34 state funds to any airport project or program if the airport
35 has any aircraft located on the premises of the airport and
36 such aircraft is engaged in weather modification.

37 5. The department shall promulgate rules to implement
38 provisions of this section. Any rule or portion of a rule,
39 as that term is defined in section 536.010, that is created
40 under the authority delegated in this section shall become
41 effective only if it complies with and is subject to all of
42 the provisions of chapter 536 and, if applicable, section
43 536.028. This section and chapter 536 are nonseverable and
44 if any of the powers vested with the general assembly
45 pursuant to chapter 536 to review, to delay the effective
46 date, or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking
48 authority and any rule proposed or adopted after August 28,
49 2026, shall be invalid and void.

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