

SECOND REGULAR SESSION

SENATE BILL NO. 860

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

4680S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 643.040 and 644.021, RSMo, and to enact in lieu thereof three new sections relating to weather modification.

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

Section A. Sections 643.040 and 644.021, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 640.870, 643.040, and 644.021, to read as
4 follows:

640.870. 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", any activity performed
6 with the intention of producing artificial changes to the
7 composition, behavior, or dynamics of the atmosphere,
8 including, but not limited to:
9 (a) Dispersing substances into the air that serve as
10 cloud condensation or ice nuclei, which alter the
11 microphysical process within the cloud;
12 (b) Dropping pollution or biological agents from any
13 form of aircraft designed to alter the earth's atmosphere,
14 manipulate the environment, or cause harm to food supply; or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 (c) The use of cloud seeding, meaning directing
16 rainfall to a specific location by a process of injecting,
17 releasing, or dispersing chemicals into the atmosphere.

18 2. It shall be unlawful to use any form of weather
19 modification in the state.

20 3. Any individual or entity deploying any chemical
21 into the atmosphere from ground or air shall disclose the
22 contents of such chemical or chemicals to the department in
23 a format determined by the department.

24 4. Any individual or entity deploying any chemical
25 into the atmosphere shall post a bond in an amount of twenty
26 five million dollars to cover damages, if any, to the
27 environment caused by the deployment of such chemical or
28 chemicals.

29 5. Any individual may report violations of this
30 section to the department. The department shall create an
31 online publicly accessible form for reporting weather
32 modification under this section. The department shall
33 create procedures to investigate every such report to
34 determine whether weather modification occurred.

35 6. If the department finds that weather modification
36 occurred, the department shall commence a civil action in
37 the court of competent jurisdiction. If the court finds
38 that a violation occurred, the court may grant damages,
39 injunctive relief, attorney fees, and any such other relief
40 the court finds appropriate.

41 7. The department shall report any known instance of
42 weather modification to the administrator of the national
43 oceanic and atmospheric administration pursuant to 15 C.F.R.
44 Section 908.

45 8. Nothing in this section shall be construed to
46 prevent the use of pesticides on any farming or ranching
47 operation in the state.

48 9. The department shall promulgate rules to enforce
49 provisions of this section. Any rule or portion of a rule,
50 as that term is defined in section 536.010, that is created
51 under the authority delegated in this section shall become
52 effective only if it complies with and is subject to all of
53 the provisions of chapter 536 and, if applicable, section
54 536.028. This section and chapter 536 are nonseverable and
55 if any of the powers vested with the general assembly
56 pursuant to chapter 536 to review, to delay the effective
57 date, or to disapprove and annul a rule are subsequently
58 held unconstitutional, then the grant of rulemaking
59 authority and any rule proposed or adopted after August 28,
60 2026, shall be invalid and void.

643.040. 1. There is created hereby an air pollution
2 control agency to be known as the "Air Conservation
3 Commission of the State of Missouri", whose domicile for the
4 purposes of sections 643.010 to 643.355 is the department of
5 natural resources of the state of Missouri. The commission
6 shall consist of [seven] **eight** members appointed by the
7 governor, with the advice and consent of the senate. No
8 more than four of the members shall belong to the same
9 political party and no two members shall be a resident of
10 and domiciled in the same senatorial district. At the first
11 meeting of the commission and at yearly intervals
12 thereafter, the members shall select from among themselves a
13 chairman and a vice chairman.

14 2. All members shall be representative of the general
15 interest of the public and shall have an interest in and
16 knowledge of air conservation and the effects and control of

17 air contaminants. At least three of such members shall
18 represent agricultural, industrial and labor interests,
19 respectively. **One member shall be knowledgeable in weather**
20 **modification, as defined in section 640.870.** The governor
21 shall not appoint any other person who has a substantial
22 interest as defined in section 105.450 in any business
23 entity regulated under this chapter or any business entity
24 which would be regulated under this chapter if located in
25 Missouri. The commission shall establish rules of procedure
26 which specify when members shall exempt themselves from
27 participating in discussions and from voting on issues
28 before the commission due to potential conflict of interest.

29 3. The members' terms of office shall be four years
30 and until their successors are selected and qualified,
31 except that the terms of those first appointed shall be
32 staggered to expire at intervals of one, two and three years
33 after the date of appointment as designated by the governor
34 at the time of appointment. There is no limitation of the
35 number of terms any appointed member may serve. If a
36 vacancy occurs the governor may appoint a member for the
37 remaining portion of the unexpired term created by the
38 vacancy. The governor may remove any appointed member for
39 cause. The members of the commission shall be reimbursed
40 for travel and other expenses actually and necessarily
41 incurred in the performance of their duties.

42 4. The commission shall hold at least nine regular
43 meetings each year and such additional regular meetings as
44 the chairman deems desirable at a place and time to be fixed
45 by the chairman. Special meetings may be called by three
46 members of the commission upon delivery of written notice to
47 each member of the commission. Reasonable written notice of
48 all meetings shall be given to all members of the

49 commission. Four members of the commission shall constitute
50 a quorum. All powers and duties conferred upon members of
51 the commission shall be exercised personally by the members
52 and not by alternates or representatives. All actions of
53 the commission shall be taken at meetings open to the
54 public, except as provided in chapter 610. Any member
55 absent from four regular commission meetings per calendar
56 year for any cause whatsoever shall be deemed to have
57 resigned and the vacancy shall be filled immediately in
58 accordance with subsection 1 and subsection 3 of this
59 section.

644.021. 1. There is hereby created a water
2 contaminant control agency to be known as the "Clean Water
3 Commission of the State of Missouri", whose domicile for the
4 purposes of sections 644.006 to 644.141 shall be deemed to
5 be that of the department of natural resources. The
6 commission shall consist of **[seven] eight** members appointed
7 by the governor with the advice and consent of the senate.
8 No more than four of the members shall belong to the same
9 political party. All members shall be representative of the
10 general interest of the public and shall have an interest in
11 and knowledge of conservation and the effects and control of
12 water contaminants. At least two members shall be
13 knowledgeable concerning the needs of agriculture, industry
14 or mining and interested in protecting these needs in a
15 manner consistent with the purposes of sections 644.006 to
16 644.141. One member shall be knowledgeable concerning the
17 needs of publicly owned wastewater treatment works. **One**
18 **member shall be knowledgeable in weather modification, as**
19 **defined in section 640.870.** No more than four members shall
20 represent the public. No member shall receive, or have
21 received during the previous two years, a significant

22 portion of his or her income directly or indirectly from
23 permit holders or applicants for a permit pursuant to any
24 federal water pollution control act as amended and as
25 applicable to this state. All members appointed on or after
26 August 28, 2002, shall have demonstrated an interest and
27 knowledge about water quality. All members appointed on or
28 after August 28, 2002, shall be qualified by interest,
29 education, training or experience to provide, assess and
30 evaluate scientific and technical information concerning
31 water quality, financial requirements and the effects of the
32 promulgation of standards, rules and regulations. At the
33 first meeting of the commission and at yearly intervals
34 thereafter, the members shall select from among themselves a
35 chairman and a vice chairman.

36 2. The members' terms of office shall be four years
37 and until their successors are selected and qualified.
38 Provided, however, that the first three members appointed
39 shall serve a term of two years, the next three members
40 appointed shall serve a term of four years, thereafter all
41 members appointed shall serve a term of four years. There
42 is no limitation on the number of terms any appointed member
43 may serve. If a vacancy occurs the governor may appoint a
44 member for the remaining portion of the unexpired term
45 created by the vacancy. The governor may remove any
46 appointed member for cause. The members of the commission
47 shall be reimbursed for travel and other expenses actually
48 and necessarily incurred in the performance of their duties.

49 3. The commission shall hold at least four regular
50 meetings each year and such additional meetings as the
51 chairman deems desirable at a place and time to be fixed by
52 the chairman. Special meetings may be called by three
53 members of the commission upon delivery of written notice to

54 each member of the commission. Reasonable written notice of
55 all meetings shall be given by the director to all members
56 of the commission. Four members of the commission shall
57 constitute a quorum. All powers and duties conferred
58 specifically upon members of the commission shall be
59 exercised personally by the members and not by alternates or
60 representatives. All actions of the commission shall be
61 taken at meetings open to the public. Any member absent
62 from six consecutive regular commission meetings for any
63 cause whatsoever shall be deemed to have resigned and the
64 vacancy shall be filled immediately in accordance with
65 subsection 1 of this section.

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