



2026 South Dakota Legislature

House Bill 1181

Introduced by: **Representative Andera**

1 **An Act to prohibit weather and climate modification activities and provide a penalty**
2 **therefor.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 34A-1:**

5 There is created in the state treasury the weather and climate modification
6 monitoring fund. This fund consists of fines received pursuant to section 2 of this Act and
7 all other moneys designated for deposit in the fund.

8 The Department of Agriculture and Natural Resources shall administer the fund.
9 The purpose of the fund is to defray expenses associated with monitoring for prohibited
10 weather modification activities, investigating complaints, assessing civil penalties, and
11 monitoring for compliance. The department may use one-half of the moneys received
12 pursuant to section 2 of this Act to defray the expenses of activities associated with
13 administering sections 1 to 4, inclusive, of this Act. The department shall provide one-half
14 of the moneys received pursuant to section 2 of this Act to the Department of
15 Transportation to defray any expenses associated with administering sections 5 to 8,
16 inclusive, of this Act.

17 Interest on moneys credited to the fund must remain in the fund.

18 Expenditures from the fund must be budgeted through the general appropriation
19 bill.

20 **Section 2. That a NEW SECTION be added to chapter 34A-1:**

21 No person may inject, release, or disperse, by any means, any amount of a
22 chemical, a chemical compound, or a substance, which is known to cause negative health
23 impacts in toxic amounts, into the atmosphere, for the express purpose of modifying
24 atmosphere, intensity of sunlight, temperature, or weather.

No person may inject, release, or disperse, by any means, any amount of aluminum barium, chaff containing perfluoroalkyl and polyfluoroalkyl substances, strontium, or sulfur dioxide, into the atmosphere for the express purpose of modifying atmosphere, intensity of sunlight, temperature, or weather.

The department must assess a civil penalty of not less than one hundred thousand dollars for a violation of this section, plus ten thousand dollars per day for each day the violation continues.

The department shall deposit any moneys collected pursuant to this section in the weather and climate modification monitoring fund created in section 1 of this Act.

Section 3. That a NEW SECTION be added to chapter 34A-1:

The department shall establish an online form for persons to use in reporting suspected violations of section 2 of this Act. The form must allow persons to report the following, if known:

- (1) A business name;
- (2) The address of the alleged perpetrator;
- (3) Operating hours of the company;
- (4) The name of the majority owner of the company; and
- (5) A list of chemicals, chemical compounds, or substances dispersed by the company into the atmosphere.

Section 4. That a NEW SECTION be added to chapter 34A-1:

The department shall promulgate rules, in accordance with chapter 1-26, to:

- (1) Establish criteria for investigating possible violations of section 2 of this Act observed directly by department personnel;
- (2) Establish criteria for investigating reports of possible violations of section 2 of this Act received:
 - (a) From individuals; or
 - (b) From airports that are required to file quarterly reports pursuant to section 5 of this Act; and
- (3) Establish criteria for on-going compliance monitoring efforts.

Section 5. That a NEW SECTION be added to chapter 34A-1:

The operator of any public airport approved under § 50-5-1, and the operator of any private airport, shall report quarterly to the Department of Transportation, in the manner directed by the department, the presence of any aircraft equipped with any component, device, or part that is commonly used to support the dispersion, injection, intentional emission, or release of air contaminants into the atmosphere for the express purpose of modifying atmosphere, intensity of sunlight, temperature, or weather.

Aircraft equipped with aerial applicator equipment for use in applying herbicides or pesticides are exempt from the reporting requirement in this section.

Section 6. That a NEW SECTION be added to chapter 34A-1:

The Department of Transportation shall forward any reports received in accordance with section 5 of this Act to the Department of Agriculture and Natural Resources. The Department of Agriculture and Natural Resources shall refer possible violations of section 2 of this Act to the law enforcement agency having jurisdiction over the area in which the violations allegedly occurred.

Section 7. That a NEW SECTION be added to chapter 34A-1:

Beginning on July 1, 2026, the department shall incorporate the reporting requirements required in section 5 of this Act in all grant agreements with public airports in this state, in a manner that conforms to federal regulations for the state block grant program for airports, as set forth in 49 U.S.C. § 47128 (January 1, 2026).

Section 8. That a NEW SECTION be added to chapter 34A-1:

The South Dakota Aeronautics Commission shall promulgate rules, in accordance with chapter 1-26, to:

- (1) Develop a reporting form for use in accordance with section 5 of this Act;
- (2) Provide for the processing of reports received in accordance with section 5 of this Act and the referral of reports to the Department of Agriculture and Natural Resources; and
- (3) Create a template for use in grant agreements with public airports, which includes the reporting requirements set forth in section 5 of this Act.

Section 9. That a NEW SECTION be added to chapter 34A-1:

1 Any business that has a facility or office in this state and intends to inject, release,
2 or disperse, from outside the borders of this state, any chemical, chemical compound, or
3 substance, to modify the atmosphere, intensity of sunlight, temperature, or weather, must
4 provide the Secretary of State with a list of any chemicals, chemical compounds, or
5 substances to be dispersed into the atmosphere.