



2026 South Dakota Legislature

House Bill 1271

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.

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

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

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

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

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

- 14 (1) Business name;
15 (2) Physical and mailing address;
16 (3) Operating hours;
17 (4) The name of the company owner; and
18 (5) A list of chemicals, chemical compounds, or substances dispersed into the
19 atmosphere by the alleged perpetrator.

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

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

- 22 (1) Establish criteria for investigating possible violations of section 2 of this Act
23 observed directly by department personnel;
24 (2) Establish criteria for investigating reports of possible violations of section 2 of this
25 Act received:
26 (a) From individuals; or
27 (b) From airports that are required to file quarterly reports pursuant to section
28 5 of this Act; and
29 (3) Establish criteria for on-going compliance monitoring efforts.

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

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

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

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

10 The Department of Transportation shall forward any reports received in accordance
11 with section 5 of this Act to the Department of Agriculture and Natural Resources. The
12 Department of Agriculture and Natural Resources shall refer possible violations of section
13 2 of this Act to the law enforcement agency having jurisdiction over the area in which the
14 violations allegedly occurred.

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

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

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

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

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

29 **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.