

82a-1411. Same; weather modification permit; requirements. (a) The director shall issue a weather modification permit to each person who:

(1) Applies in writing to the director for a permit in such form as the director shall require;

(2) holds a valid weather modification license issued under this act;

(3) pays the permit fee, if applicable;

(4) files with the director proof of ability to respond in damages for liability on account of accidents arising out of any weather modification activities to be conducted by the licensee in the following amounts or in such greater amounts as the director requires upon determining that the circumstances of the particular weather modification project or program require proof of additional financial responsibility: (A) Not less than \$50,000 because of bodily injury to or death of one person resulting from any one accident; (B) subject to the limit for one person, not less than \$100,000 because of bodily injury to or death of two or more persons resulting from any one accident; and (C) not less than \$100,000 because of injury to or destruction of the property of others resulting from any one accident. Municipalities and departments or agencies of the state shall be exempt from the requirements of this paragraph. Proof of financial responsibility required hereunder may be given by a certificate of insurance or a bond or a certificate of deposit of money;

(5) submits a complete and satisfactory operational plan for the proposed weather modification project or program which includes a map of the proposed operating area which specifies the primary target area and shows the area reasonably expected to be affected, the name and address of the licensee, the nature and object of the intended weather modification activities, the person or organization on whose behalf it is to be conducted, a statement explaining any expected effect upon the environment, the methods that will be used in determining and evaluating the proposed weather modification project or program, and such other information as may be required by the director;

(6) meets the preceding requirements for a permit and before beginning operations under the proposed weather modification project or program, publishes a notice of intent to engage in weather modification activities in a newspaper of general circulation in the county or counties to be affected by the proposed project or program. The published notice shall designate the primary target area and indicate the general area which might be affected. It shall also indicate the expected duration and intended effect and state that complete details are available on request from the licensee or the director; and

(7) furnishes to the director proof of the publication of the notice required by the foregoing provision.

(b) Before a permit for a weather modification project or program is issued, the director or a hearing officer appointed by the director may hold a public hearing on the proposed weather modification project or program in a place or places within a reasonable proximity of the area expected to be affected by the proposed weather modification activities. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Unless deemed necessary by the director, no hearing shall be required for the renewal of a permit for a previously approved weather modification project or program.

(c) No permit may be issued unless the director determines, based on the information provided in the operational plan for the proposed weather modification project or program and on the testimony and information provided at the public hearing, that:

(1) The proposed weather modification activities are designed to provide, and are reasonably expected to provide, an economic benefit to the people of the area in which the operation will be conducted, or will benefit the people of the state of Kansas, and is scientifically and technically feasible;

(2) if the project or program is a scientific or research project or program, the proposed weather modification activities offer promise of expanding the knowledge and the technology of weather modification;

(3) the project or program includes adequate safeguards for the protection of property, health, safety and welfare; and

(4) the project or program is designed to minimize risk and maximize scientific gains or economic benefits to the people of the state.

(d) The operational plan for the proposed project or program shall be placed on file with the director and will be available for public inspection during regular office hours.

History: L. 1974, ch. 321, § 11; L. 1984, ch. 313, § 153; L. 1986, ch. 397, § 2; L. 1995, ch. 138, § 8; July 1.