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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4687

03/07/2024 Authored by Dotseth, Altendorf and Knudsen The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to environment; prohibiting certain harmful atmospheric activity; providing
1.3 penalties; proposing coding for new law in Minnesota Statutes, chapter 116.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [116.901] HARMFUL ATMOSPHERIC ACTIVITY.

1.6 Subdivision 1. Definitions. In this section, the following terms have the meanings given:

1.7 (1) "aircraft" has the meaning given in section 360.511 and includes a drone;

1.8 (2) "cloud-seeding" means a type of weather modification that attempts to change the
1.9 amount or type of precipitation by dispersing chemicals such as silver iodide, potassium
1.10 iodide, and dry ice into the air by means of aircraft or ground generators;

1.11 (3) "stratospheric aerosol injection" means a method of solar radiation modification that
1.12 introduces aerosols into the stratosphere to create a cooling effect by reducing the amount
1.13 of sunlight reaching the earth, mimicking what happens naturally during a volcanic eruption;

1.14 (4) "weather-engineering" means altering or manipulating the weather; and

1.15 (5) "xenobiotic" means foreign to the body or to an ecological system.

1.16 Subd. 2. Prohibition; penalty. (a) A person may not engage in a polluting atmospheric
1.17 activity or use an unmarked or unidentified aircraft or other vehicle or facility:

1.18 (1) for weather-engineering, cloud-seeding, stratospheric aerosol injection, or other
1.19 atmospheric activity that is harmful to humans or the environment; or

1.20 (2) to produce excessive electromagnetic radiation that is harmful to humans or the
1.21 environment.

2.1 (b) A person who violates this subdivision is guilty of a felony and subject to a fine of
2.2 \$500,000.

2.3 Subd. 3. **Citizen reporting; investigative requirements.** (a) A person may report an
2.4 aircraft, facility, or other delivery system used for suspected weather-engineering,
2.5 cloud-seeding, or any atmospheric experimentation involving the release of polluting
2.6 emissions to the county sheriff's office in the county in which the activity was observed or
2.7 suspected. If the county sheriff finds the reported evidence credible, the sheriff must
2.8 investigate further and may report supporting evidence of prohibited activity to the attorney
2.9 general.

2.10 (b) The commissioner and each county sheriff must encourage the public to monitor,
2.11 measure, document, and report incidents that may constitute cloud-seeding, stratospheric
2.12 aerosol injection, weather-engineering, or other polluting atmospheric activities. A person
2.13 with evidence of a polluting atmospheric activity may report by email or in writing to the
2.14 commissioner or the county sheriff by submitting:

2.15 (1) evidentiary photographs, each separately titled as an electronic or hardcopy document,
2.16 specifying the date, time, and location where taken and, if the content is from other than a
2.17 measuring device, the compass direction in which the photo was taken;

2.18 (2) independent precipitation analysis reports, audiography, microscopy, spectrometry,
2.19 metering, and other forms of evidence; or

2.20 (3) videography of activity involving a release of polluting atmospheric emissions.

2.21 (c) If the commissioner has reason to suspect prohibited activity based on evidence
2.22 submitted under this subdivision, the commissioner must report in writing within 24 hours
2.23 all documentary and supportive evidence to the county sheriff for enforcement. The county
2.24 sheriff may request assistance from state law enforcement to investigate possible prohibited
2.25 activity. Upon request of a county sheriff, the commissioner must provide technical assistance
2.26 and analysis of pollutants as needed.

2.27 (d) If a report is made to the commissioner or a county sheriff under this subdivision
2.28 that alleges polluting atmospheric emissions, the commissioner or county sheriff must
2.29 investigate the source and contents of the emissions, without limitation. If the emissions
2.30 are harmful to humans or the environment, as demonstrated by a primary scientific source,
2.31 the county sheriff must take enforcement actions according to this section.

2.32 (e) Within two hours of receiving a report under this subdivision with evidence, including
2.33 photography, videography, audio recordings, measurements of the agents, or other detection,

3.1 that alleges an activity specified under clause (1) or (2), the commissioner or county sheriff
 3.2 must take emergency measurements of peaks and averages over time with the appropriate
 3.3 calibrated meter and forensic detection devices at the reported location:

3.4 (1) excessive electromagnetic radiation or fields in any part of the spectrum, including
 3.5 without limitation microwave or maser, infrared light or laser, or ionizing or nonionizing
 3.6 radiation; or

3.7 (2) intense mechanical vibration, noise, or other physical agent.

3.8 (f) When professional metering and monitoring equipment or expertise is needed under
 3.9 paragraph (e) but not otherwise available to the state or county, the commissioner or county
 3.10 sheriff must partner with state universities or colleges to investigate, so as to provide
 3.11 evidentiary findings that would qualify as scientific expert testimony.

3.12 Subd. 4. **Enforcement actions.** (a) Except as provided in subdivisions 5 and 6, the
 3.13 commissioner or the sheriff in the county where reported must immediately issue a
 3.14 cease-and-desist order for weather-engineering, cloud-seeding, or any other polluting
 3.15 atmospheric activity when a person produces evidence to the commissioner or sheriff that
 3.16 the activity involves a harmful polluting emission. The cease-and-desist order has the weight
 3.17 of a court order and any violation is punishable under law.

3.18 (b) The governor may call upon the adjutant general of the Minnesota National Guard
 3.19 to identify and notify any aircraft or facility releasing aerosol emissions, electromagnetic
 3.20 radiation, or other pollutants into the atmosphere that they must cease and desist. Any aircraft
 3.21 must be ordered to land at the nearest available airport to be investigated for prohibited
 3.22 activity. The governor may call upon state law enforcement to investigate instances that
 3.23 may be in violation of this section.

3.24 (c) The governor may call upon the Pollution Control Agency for environmental studies
 3.25 to investigate if and what chemicals may have been dispersed in violation of this section.

3.26 Subd. 5. **Enforcement; xenobiotic agents and radiation.** When information is received
 3.27 that alleges weather-engineering or other atmospheric experimentation that involves releasing
 3.28 xenobiotic agents or producing electromagnetic radiation at harmful levels, the commissioner
 3.29 or the sheriff in the county where reported must:

3.30 (1) immediately require the owner or operator of the facility, aircraft, or other vehicle
 3.31 releasing or producing the specific agent to produce records of the operations of any site
 3.32 where xenobiotic agents or radiation have been detected and to convey the records to the
 3.33 commissioner or sheriff;

4.1 (2) immediately order the owner or operator to cease operations of the facility, aircraft,
4.2 or other vehicle; and

4.3 (3) within 24 hours, verify that the owner or operator has stopped all operations that
4.4 release xenobiotic agents or produce electromagnetic radiation.

4.5 Subd. 6. **Enforcement; electromagnetic disturbances.** (a) The commissioner or sheriff
4.6 must immediately require the owner or operator of each tower, antenna, other facility or
4.7 infrastructure to produce records of the extant operations at sites where excessive xenobiotic
4.8 electromagnetism and fields, mechanical vibration, or other physical agents are, or have
4.9 been detected, specifically:

4.10 (1) radio frequency or microwave radiation, including maser, of signal strength metered
4.11 at the reported, publicly accessible location in excess of negative 85 dBm for any frequency
4.12 or channel band specified by a transmitting entity's FCC transmission license;

4.13 (2) extreme-low-frequency alternating current electric fields in excess of 1 volt per 25
4.14 meters;

4.15 (3) magnetic fields in excess of one milligauss;

4.16 (4) ionizing radiation in excess of 0.02 millisievert per hour;

4.17 (5) laser or other light with harmful effects; or

4.18 (6) any vibration, noise, laser, sonic weapon, or other physical agent exceeding building
4.19 or biology guidelines.

4.20 (b) The owner or operator must convey the records to the commissioner or sheriff within
4.21 24 hours.

4.22 (c) The commissioner or sheriff must:

4.23 (1) immediately order a cessation of operations of all antennas and other deployments
4.24 of energy or vibration emitted from the measured structure or facility;

4.25 (2) within 24 hours, verify that the owner or operator has stopped all operations of
4.26 antennas and other deployments of energy or vibration; and

4.27 (3) refer suspected criminal activity to the attorney general for prosecution.

4.28 Subd. 7. **Enforcement; federal activity.** When an activity that the commissioner or any
4.29 sheriff has deemed harmful according to this section has been approved, explicitly or
4.30 implicitly, by the federal government, a foreign state, or an international body, the
4.31 commissioner or the sheriff must issue a notice to the appropriate federal agency, foreign

- 5.1 state, or international body that the harmful activity cannot lawfully be carried out within
- 5.2 or over the state, pursuant to the Tenth Amendment of the United States Constitution.
- 5.3 Government agencies or projects, universities, public or private entities, and armed forces
- 5.4 operating within or above the state must comply with this section.