



March 3, 2025

The Honorable Bo Biteman
Wyoming Senate President
200 West 24th Street
Cheyenne, Wyoming 82002

Re: Veto of Senate Enrolled Act No. 58/ Senate File 0132 Protecting critical infrastructure and systems from drones

Dear President Biteman,

I appreciate Senator Jones and the legislature's recognition of the growing issues surrounding drones and drone activity in Wyoming. The balance between federal and state authority in the context of aviation regulations is well established; state and local authority is preempted if it conflicts with Federal Aviation Administration law or regulations. Under federal law, it is a felony to "damage, destroy, disable or wreck any aircraft" (18 U.S.C. § 32). Unmanned aircraft Systems are treated as aircraft under federal law, putting this legislation, particularly sections (e) and (f), in direct conflict with federal law and FAA regulation. And yet, drone related concerns persist in Wyoming.

This Act purports to address this issue but it does not and cannot address the underlying federal jurisdiction, which contradicts the enforcement elements of this Act. With regard to the interplay of law enforcement capacities under federal law and a Governor's use of National Guard assets in federal airspace absent a Secretary of Defense's prior authorization, this Act cannot preempt federal jurisdiction.

While there is a process by which section (f) relating to the National Guard could be exercised, any order issued by me would require prior authorization from the Secretary of Defense. I am unable to imagine a hypothetical situation wherein the Department of Defense authorization would not provide the necessary approval to the National Guard, thus making any subsequent order from me superfluous.

Of greater concern is section (e) that authorizes Wyoming law enforcement to take reasonable action, including "disabling, damaging or removing the unmanned aircraft system or model aircraft." This provision directly conflicts with federal law. It subjects Wyoming law enforcement to potential federal penalties, including fines and imprisonment of up to twenty years. We should not be placing our law enforcement personnel in a Catch 22 situation where they are authorized by the state to break federal law and regulations.

While I am sympathetic, and this Act is well intentioned, I find this legislation attempts to confront a complex legal issue that needs to be addressed at a federal level. This would ensure consistency and provide clear guidance on what is within Wyoming's authority. For these reasons, I am vetoing Senate File 0132/Senate Enrolled Act No. 58. I thank the legislature for their work on this legislation and hope that they will see this issue as one worthy of study in the interim. Having a better understanding and the fullness of time to see how the Trump Administration plans to address this issue can only prove beneficial to the State's efforts in this area. Rest assured that Wyoming will continue to aggressively pursue every option to provide local authorities with the proper tools to control unmanned aerial vehicles.

Sincerely,



Mark Gordon
Governor

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cc: The Honorable Chip Neiman, Speaker of the House
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate
The Honorable Chuck Gray, Secretary of State