

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Clean Air and Geoengineering Prohibition Act.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to aeronautics; prohibiting the release of
2 atmospheric contaminants into the airspace above Wyoming as
3 specified; providing legislative findings; providing
4 definitions; authorizing the director of the department of
5 environmental quality to issue cease and desist orders as
6 specified; prohibiting retaliation against persons who
7 report violations of this act; providing criminal
8 penalties; requiring rulemaking; repealing obsolete
9 provisions; and providing for an effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

1 **Section 1.** W.S. 35-11-2201 through 35-11-2204 are
2 created to read:

4 ARTICLE 22

5 WYOMING CLEAN AIR AND GEOENGINEERING PROHIBITION ACT

7 **35-11-2201. Short title.**

9 This act shall be known and may be cited as the "Wyoming
10 Clean Air and Geoengineering Prohibition Act."

12 **35-11-2202. Legislative findings.**

14 (a) The legislature finds and declares:

16 (i) Federal agencies, international bodies,
17 corporations and research institutions have proposed,
18 studied or in some cases undertaken atmospheric
19 modification experiments intended to alter weather,
20 temperature or solar radiation;

22 (ii) The risks to human health, agriculture,
23 wildlife and environmental safety from atmospheric

1 modification experiments and other atmospheric
2 interventions are not well understood and may have harmful
3 consequences;

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5 (iii) Pursuant to the tenth amendment to the
6 United States constitution, the citizens of Wyoming retain
7 the sovereign right to establish public policy concerning
8 the air, land and water of the state;

9

10 (iv) It is the intent of the legislature to
11 prohibit atmospheric modification experiments, protect
12 public health and ensure that the Wyoming department of
13 environmental quality is empowered to monitor and enforce
14 air quality protections.

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16 **35-11-2203. Definitions.**

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18 (a) As used in this act:

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20 (i) "Atmospheric contaminant" means any
21 substance intentionally released into the atmosphere for
22 the purpose of altering climate, weather or solar
23 radiation, including but not limited to sulfates, silver

1 iodide, smart dust, perflouroalkyl and polyfluoroalkyl
2 substances, genetically modified particles, chaff or
3 radioactive materials. "Atmospheric contaminant" shall not
4 mean exhaust from standard aviation using fuels permitted
5 by law, emissions from agricultural or forestry operations
6 permitted by law, fire suppression agents or naturally
7 occurring atmospheric particulates;

8
9 *****
10 *****
11 STAFF COMMENT
12 This bill draft excludes exhaust from standard aviation and
13 emissions from agricultural or forestry operations. The
14 Committee may wish to consider also including automotive
15 emissions as well as other kinds of atmospheric emissions.
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17 *****
18 *****
19

20 (ii) "Geoengineering" means the deliberate
21 large-scale manipulation of environmental processes to
22 affect climate conditions;

23
24 (iii) "Solar radiation management" means
25 experimental techniques designed to reduce the amount of
26 sunlight reaching the earth's surface through reflective
27 particles or other methods;

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1 (iv) "Stratospheric aerosol injection" means the
2 release of reflective aerosols into the stratosphere by
3 aircraft, balloons or other means;

4

5 (v) "Weather modification" means any action
6 intended to change or interfere with the natural
7 development of cloud forms, precipitation, barometric
8 pressure, temperature or other atmospheric conditions;

9

10 (vi) "This act" means W.S. 35-11-2201 through
11 35-11-2204.

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13 **35-11-2204. Atmospheric engineering prohibited;**
14 **exemptions; enforcement; penalties.**

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16 (a) No person shall intentionally inject, release or
17 disperse by any means any atmospheric contaminant within
18 Wyoming or the airspace above Wyoming for the purpose of
19 altering climate, weather or solar radiation.

20

21 (b) Prohibited activities under this section include,
22 but are not limited to:

23

1 (i) Solar radiation management;

2

3 (ii) Stratospheric aerosol injection;

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5 (iii) Weather modification;

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7 (iv) Atmospheric polluting interventions,
8 including dispersal of atmospheric contaminants.

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10 (c) Nothing in this act shall be construed to
11 prohibit or restrict:

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13 (i) Commercial aviation or satellite operations;

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15 (ii) Weather observation and forecasting;

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17 (iii) Agricultural crop dusting conducted under
18 state or federal permits;

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20 (iv) Fire suppression, including the aerial
21 application of fire retardants or water for wildfire
22 management;

23

1 (v) Lawful activities expressly authorized by
2 state or federal environmental laws.

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4 (d) No person shall employ aircraft, drones,
5 balloons, rockets, artillery, space-based platforms or
6 ground-based facilities for the intentional release or
7 dispersal of atmospheric contaminants. This prohibition
8 shall not apply to aviation, space or ground activities
9 unrelated to geoengineering, weather modification or solar
10 radiation management, including commercial, agricultural,
11 research, defense or emergency operations permitted by law.

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13 (e) The director of the department of environmental
14 quality shall be authorized to issue a cease and desist
15 order upon discovery of any prohibited activity under this
16 section.

17

18 (f) The director of the department of environmental
19 quality shall notify the federal government, other states
20 or international entities who are committing prohibited
21 activities under this act and assert that those activities
22 are unlawful within Wyoming pursuant to this act and the
23 tenth amendment to the United States constitution.

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2 (g) No person shall retaliate against, harass,
3 discipline or discriminate against any person on the basis
4 that the person reported or provided evidence of a
5 suspected violation of this act. Reports made in good faith
6 shall not be considered defamatory, frivolous or
7 retaliatory.

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9 (h) Any person who violates this act:

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11 (i) For a first offense, commits a felony
12 punishable by imprisonment for not more than two (2) years,
13 a fine of not less than one hundred thousand dollars
14 (\$100,000.00) and not more than five hundred thousand
15 dollars (\$500,000.00), or both; or

16

17 (ii) For a second or subsequent offense, commits
18 a felony punishable by imprisonment for not more than five
19 (5) years, a fine of not less than five hundred thousand
20 dollars (\$500,000.00), or both. Each day where prohibited
21 activity is conducted constitutes a separate offense.

22

STAFF COMMENT

The Committee may wish to consider altering the above criminal penalties for violations of this act. There are situations where a violation would be on a very minor scale, and the penalties above may be seen as excessive under those circumstances.

Section 2. W.S. 9-1-905 through 9-1-909 are repealed.

STAFF COMMENT

The repealed language is as follows:

~~9-1-905. Weather modification; legislative declarations.~~

~~(a) It is hereby declared that:~~

~~(i) The state of Wyoming claims its sovereign right to the use for its residents and best interests of the moisture contained in the clouds and atmosphere within its sovereign state boundaries;~~

~~(ii) Although little is known regarding artificial weather modification, research and experimentation shall be encouraged;~~

~~(iii) Although the ultimate use of modification methods is speculative, the application of such methods should have proper safeguards and provide sufficient data to protect life, property and public interest.~~

~~9-1-906. Weather modification defined; duty of state engineer to gather information relative to experiments in state.~~

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2 ~~The state engineer shall procure, compile and evaluate~~
3 ~~information relative to weather modification experiments~~
4 ~~and activities within the state boundaries. The term~~
5 ~~"weather modification" means attempting to change or~~
6 ~~control any of the weather phenomena by chemical,~~
7 ~~mechanical or physical methods.~~

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9 ~~9-1-907. Weather modification; permit required;~~
10 ~~issuance; duration; fee; report of activities; penalties~~
11 ~~for noncompliance.~~

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13 ~~(a) It is unlawful for anyone to engage in weather~~
14 ~~modification activities except by permit prescribed and~~
15 ~~issued by the state engineer.~~

16
17 ~~(b) A separate permit shall be issued for each~~
18 ~~experiment or activity. Permits are revocable by the state~~
19 ~~engineer. Permits are to be issued for one (1) year from~~
20 ~~October 1 of one year to September 30 of the following~~
21 ~~year. A fee not to exceed one hundred dollars (\$100.00)~~
22 ~~shall be charged for each permit issued or renewed. Fees~~
23 ~~received by the state engineer shall be deposited with the~~
24 ~~state treasurer to be placed into the general fund. A~~
25 ~~permit shall be issued only to a person who can demonstrate~~
26 ~~to the state engineer's satisfaction that he has adequate~~
27 ~~qualifications in the atmospheric sciences. The state~~
28 ~~engineer shall promulgate rules and regulations necessary~~
29 ~~to implement this act.~~

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31 ~~(c) The state engineer shall demand and receive a~~
32 ~~written report, in such manner as he shall provide,~~
33 ~~covering each separate experiment or activity for which a~~
34 ~~permit is issued.~~

35
36 ~~(d) Any person engaging in a weather modification~~
37 ~~experiment without a permit is guilty of a misdemeanor and~~
38 ~~upon conviction is subject to a fine not to exceed five~~
39 ~~thousand dollars (\$5,000.00) or by imprisonment for not~~
40 ~~more than ninety (90) days.~~

41
42 ~~9-1-908. Weather modification; authority to receive~~
43 ~~and expend funds; purposes.~~
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~~The state engineer is authorized to receive in the name of the state any funds offered or available from any source, and to expend such funds for the expenses of administering this act and for the encouragement of experimentation in weather modification by the University of Wyoming or any other appropriate state or public agency, either by direct grant, by contract or other cooperative means.~~

~~9-1-909. Weather modification; state not liable for activities of private persons or groups.~~

~~Nothing in W.S. 9-1-905 through 9-1-909 shall be construed to impose or accept any liability or responsibility on the part of the state, the board, or any state officials or employees, for any weather modification activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties or liabilities between any private persons or groups.~~

Section 3. The department of environmental quality shall promulgate all rules necessary to implement this act.

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)