

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1514

Introduced by

Representatives Morton, Frelich, Heilman, Kasper, S. Olson, Rohr, Steiner, VanWinkle, Wolff
Senators Magrum, Powers

1 A BILL for an Act to create and enact a new chapter to title 23.1 of the North Dakota Century
2 Code, relating to harmful atmospheric activity; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 23.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Aircraft" means any contrivance invented, used, or designed for navigation or flight in
9 the air. The term includes a drone.
- 10 2. "Cloud seeding" means a type of weather modification that attempts to change the
11 amount or type of precipitation by dispersing chemicals into the air by means of an
12 aircraft or a ground generator, including silver iodide, potassium iodide, or dry ice.
- 13 3. "Director" means the director of the department of environmental quality.
- 14 4. "Stratospheric aerosol injection" means a method of solar radiation modification which
15 introduces aerosols into the atmosphere to reduce sunlight.
- 16 5. "Weather engineering" means altering or manipulating the weather.
- 17 6. "Xenobiotic" means a foreign substance to the human body or to an ecological
18 system.

1 **Polluting atmospheric activity - Penalty.**

- 2 1. A person may not engage in a polluting atmospheric activity or use an unmarked or
3 unidentified aircraft, vehicle, or facility for weather engineering, cloud seeding,
4 stratospheric aerosol injection, or other atmospheric activity that is harmful to a human
5 or the environment, including the production of excessive electromagnetic radiation.
6 2. Any person that violates this section is guilty of a class C felony and subject to a fine
7 of not more than five hundred thousand dollars.

8 **Exemption.**

9 This chapter does not apply to an individual who operates an aircraft for aerial application of
10 agricultural chemicals or materials.

11 **Reporting and investigative requirements.**

- 12 1. Any individual may report an aircraft, facility, or other delivery system used for weather
13 engineering, cloud seeding, stratospheric aerosol injection, or any atmospheric
14 experimentation involving the release of polluting emissions to the sheriff in the county
15 in which the activity was observed or suspected. If the sheriff finds the evidence
16 reported to be credible, the sheriff shall investigate the reported activity and may
17 report any prohibited activity to the county state's attorney for prosecution.
18 2. The director and each county sheriff shall encourage the public to monitor, measure,
19 document, and report any incident that may constitute cloud seeding, stratospheric
20 aerosol injection, weather engineering, or any other polluting atmospheric activity. An
21 individual with evidence of a polluting atmospheric activity may report the activity to
22 the director or the sheriff by submitting:
23 a. A photograph that includes the date, time, and location the photograph was
24 taken;
25 b. An independent precipitation analysis report, audiography, microscopy,
26 spectrometry, metering, or any other form of evidence; or
27 c. A video recording of activity involving the release of polluting atmospheric
28 emissions.
29 3. If the director suspects prohibited activity has occurred based on the evidence
30 provided, the director shall report all documentary and supportive evidence to the
31 sheriff in writing within twenty-four hours.

- 1 a. The director shall provide technical assistance and analysis of pollutants as
2 needed.
- 3 b. The sheriff may request assistance from the bureau of criminal investigation to
4 investigate any prohibited activity the sheriff suspects occurred or is occurring.
- 5 4. If a report is made to the director or a sheriff alleging polluting atmospheric emissions,
6 the director or sheriff shall investigate the source and content of the emissions. If the
7 emissions are harmful to humans or the environment, as demonstrated by a primary
8 scientific source, the sheriff shall take enforcement actions in accordance with this
9 chapter.
- 10 5. The director or sheriff shall take the following emergency measurements at the
11 reported location where a suspected violation of this chapter occurred within two hours
12 of receiving the report:
- 13 a. Excessive electromagnetic radiation or fields, including microwave or maser,
14 infrared light or laser, or ionizing or non-ionizing radiation; or
- 15 b. Excessive mechanical vibration, noise, or other physical agent.
- 16 6. If professional metering or monitoring equipment is needed but not available to the
17 state or county, the director or sheriff shall partner with an institution of higher
18 education to investigate and provide evidentiary findings that would qualify as scientific
19 expert testimony.

20 **Enforcement actions.**

- 21 1. If the director or sheriff has reason to believe an individual is violating, has violated, or
22 is attempting to violate this chapter, the director or sheriff shall issue and serve an
23 order to cease the activity.
- 24 2. The governor may request the adjutant general to identify and notify the owner or
25 operator of any aircraft or facility releasing aerosol emissions, electromagnetic
26 radiation, or other pollutants into the atmosphere to cease the activity. The adjutant
27 general shall order the operator of an aircraft releasing aerosol emissions,
28 electromagnetic radiation, or other pollutants into the atmosphere to land at the
29 nearest airport to be investigated for violating this chapter. The governor may request
30 the bureau of criminal investigation to investigate any activity that may violate this
31 chapter.

1 3. The governor may request the department of environmental quality for an
2 environmental study to investigate a violation of this chapter.

3 **Xenobiotic agents and radiation - Enforcement.**

4 If the director or sheriff receives information alleging weather engineering or other
5 atmospheric experimentation involving the release of a xenobiotic agent or the production of
6 harmful levels of electromagnetic radiation, the director or sheriff shall:

7 1. Immediately require the owner or operator of the facility, aircraft, or other vehicle
8 releasing the xenobiotic agent or producing electromagnetic radiation to produce a
9 record of any site where a xenobiotic agent or radiation has been detected and convey
10 the records to the director or sheriff.

11 2. Immediately order the owner or operator to cease operations of the facility, aircraft, or
12 other vehicle; and

13 3. Verify within twenty-four hours that the owner or operator has stopped all operations
14 relating to the release of xenobiotic agents or the production of electromagnetic
15 radiation.

16 **Electromagnetic disturbances - Enforcement.**

17 1. The director or sheriff immediately shall require the owner or operator of each tower,
18 antenna, or other facility or infrastructure to produce a record of any operation where
19 excessive xenobiotic electromagnetism and fields, mechanical vibrations, or other
20 physical agents, are or have been detected, specifically:

21 a. Radio frequency or microwave radiation at any reported publicly accessible
22 location in excess of negative eighty-five decibel-milliwatts;

23 b. Extreme-low-frequency alternating current electric fields in excess of one volt per
24 eighty-two feet [25 meters];

25 c. Magnetic fields in excess of one milligauss;

26 d. Ionizing radiation in excess of 0.02 millisievert per hour;

27 e. Laser or other light with harmful effects; and

28 f. Any vibration, noise, laser, sonic weapon, or other physical agent exceeding
29 building or biology guidelines.

30 2. The owner or operator shall convey the records to the director or sheriff within twenty-
31 four hours.

- 1 3. The director or sheriff shall:
- 2 a. Immediately order a cessation of operations of all antennas and other
- 3 deployments of energy or vibration emitted from the structure or facility.
- 4 b. Verify within twenty-four hours that the owner or operator has ceased all
- 5 operations of antennas and other deployments of energy or vibration; and
- 6 c. Refer suspected criminal activity to the county state's attorney for prosecution.