



2024 South Dakota Legislature

Senate Bill 215

Introduced by: **Senator Pischke**

1 **An Act to prohibit the intentional release of polluting emissions into the atmosphere**
 2 **by cloud seeding, weather modification, excessive electromagnetic radio**
 3 **frequency and microwave radiation and providing enforcement and penalties**
 4 **for violations.**

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 **Section 1. That a NEW SECTION be added to chapter 34A-1:**

7 Terms used in this Act mean:

- 8 (1) "Cloud seeding," a type of weather modification that attempts to change the
 9 amount or type of precipitation by dispersing chemicals such as silver iodide,
 10 potassium iodide, and dry ice into the air by means of aircraft or ground
 11 generators;
 12 (2) "Stratospheric aerosol injection," proposed method of solar radiation modification
 13 that would introduce aerosols into the stratosphere to create a cooling effect by
 14 reducing the amount of sunlight reaching the earth, mimicking what happens
 15 naturally during a volcanic eruption;
 16 (3) "Weather modification," the act of altering or manipulating the weather; and
 17 (4) "Xenobiotic," foreign to life.

18 **Section 2. That a NEW SECTION be added to chapter 34A-1:**

19 Any person may report a suspected aircraft, balloon, drone, facility, or other
 20 delivery system used for weather modifying applications, cloud seeding, or any
 21 atmospheric experimentation involving the release of polluting emissions detected by the
 22 public, law enforcement, first responders, or state officials to the county sheriff's office in
 23 the county in which it was observed or suspected. If the county sheriff finds the reported
 24 evidence worthy of investigation, the sheriff shall investigate further and may report
 25 supporting evidence of violative activity to the Governor's office.

1 **Section 3. That a NEW SECTION be added to chapter 34A-1:**

2 The Governor or the sheriff in the county where reported shall immediately issue
3 a cease-and-desist order upon the discovery of weather engineering, cloud-seeding, or
4 any other polluting atmospheric activity, where an agency, public official, department,
5 office, program, or member of the public produces evidence to the Governor or sheriff
6 that the activity involves a polluting emission. The cease-and-desist order has the weight
7 of a court order and any violation is punishable under law.

8 The Governor may call upon the adjutant general of the South Dakota National
9 Guard to identify and notify any aircraft, drone or other facility releasing aerosol
10 emissions, electromagnetic radiation, or other pollutants into the atmosphere that they
11 are required to cease and desist. The aircraft, drone or other facility must be ordered to
12 land at the nearest available airport to be investigated for violative activity.

13 The Governor may call upon the state law enforcement to investigate instances
14 that may be in violation of this Act. The Governor may call upon the Department of
15 Agriculture and Natural Resources for environmental studies to investigate if and what
16 chemicals may have been dispersed in violation of this Act.

17 **Section 4. That a NEW SECTION be added to chapter 34A-1:**

18 Where an activity that the Governor or any sheriff has deemed hazardous has been
19 approved, explicitly or implicitly, by the federal government, the Governor or the sheriff
20 shall issue a notice to the appropriate federal agency, foreign state, or international body
21 that the hazardous activity cannot lawfully be carried out within or over the state of South
22 Dakota, pursuant to the Tenth Amendment. Government agencies or projects, universities,
23 public or private entities, and armed forces operating within or above the state of South
24 Dakota must meet all the requirements of this Act.

25 **Section 5. That a NEW SECTION be added to chapter 34A-1:**

26 No person may engage in a polluting atmospheric activity or use an unmarked or
27 unidentified aircraft or other vehicle or facility to carry out a weather engineering, cloud-
28 seeding, or other hazardous atmospheric activity. A violation of this section is a class 6
29 felony, except that a fine of five hundred thousand dollars may be imposed.

30 **Section 6. That a NEW SECTION be added to chapter 34A-1:**

1 The Governor and each county sheriff shall encourage the public to monitor,
2 measure, document, and report incidents that may constitute cloud seeding, stratospheric
3 aerosol injection, weather modification, or other environmental polluting activities.An
4 individual who presents evidence of a polluting atmospheric activity shall e-mail or
5 otherwise write and send any of the following to the county sheriff, or to the Governor's
6 office:

7 (1) Evidentiary photographs, each separately titled as an electronic or hard-copy
8 document, with the respective location from which, and if the content is from other
9 than a measuring device, the direction in which, the photo was taken, with its time
10 and date;

11 (2) Independent precipitation analysis reports, photography, videography,
12 audiography, microscopy, spectrometry, metering, and other forms of evidence
13 shall similarly be submitted in writing to the county sheriff, to any state office, or
14 any state public official; or

15 (3) Videography of activity involving release of polluting emissions.

16 A public official who has received submitted information and has reason to suspect
17 violative activity based on evidence presented by an individual or an agency must, directly
18 or through a designee, report in writing within twenty-four hours all documentary and
19 supportive evidence to the county sheriff for enforcement. The county sheriff may request
20 assistance from state law enforcement to investigate possible violative activity as well as
21 the Department of Agriculture and Natural Resources for technical assistance and analysis
22 of pollutants as needed.

23 A report to the county sheriff or Governor of polluting atmospheric emissions shall
24 trigger investigation of the source and contents of the emissions, without limitation. Where
25 the emissions are harmful to humans or the environment, per primary scientific study,
26 enforcement must ensue.

27 A report to the county sheriff of excessive electromagnetic radiation or fields in any
28 part of the spectrum, including without limitation microwave or maser, infrared, light or
29 laser, ionizing or non-ionizing radiation, or report of intense mechanical vibration, noise,
30 or other physical agent, with evidence, including possible photography, videography,
31 audio recordings, measurements of the agents, or other detection, must result within two
32 hours of receiving the report in emergency measurements of peaks and averages over
33 time with the appropriate, calibrated meter and forensic detection devices at the reported
34 location.

1 Where professional metering and monitoring equipment is needed but not owned
2 by the state, the sheriff shall partner with state universities or colleges and their experts
3 for investigative activity, so as to provide evidentiary findings that would qualify as
4 scientific expert testimony.

5 **Section 7. That a NEW SECTION be added:**

6 Weather engineering or atmospheric experimentation involving the release of
7 xenobiotic agents or electromagnetic radiation at hazardous levels requires enforcement
8 as follows:

- 9 (1) The sheriff's immediate communication of the requirement of the owner or operator
10 of each facility or infrastructure deploying or releasing the specific agent to produce
11 records of the operations of any site where xenobiotic agents or excessive levels
12 have been detected, and convey the records to the sheriff;
13 (2) The sheriff's immediate order to cease operations of the facility; and
14 (3) The sheriff's evaluation within twenty-four hours of the owner's or operator's
15 performance in causing the cessation of all operations.

16 **Section 8. That a NEW SECTION be added to chapter 34A-1:**

17 The sheriff shall immediately require the owner or operator of each tower, antenna,
18 other facility or infrastructure to produce records of the extant operations at sites where
19 excessive xenobiotic electromagnetism and fields, mechanical vibration, or other physical
20 agents are, or have been detected, specifically:

- 21 (1) Radiofrequency or microwave radiation, including maser, of signal strength
22 metered at the reported, publicly accessible location in excess of negative eighty-
23 five dBm for any frequency or channel band specified by a transmitting entity's
24 FCC transmission license;
25 (2) Extreme-low-frequency alternating current electric fields in excess of 1 volt per
26 meter;
27 (3) Magnetic fields in excess of one milliGauss;
28 (4) Ionizing radiation in excess of 0.02 milliSievert per hour;
29 (5) Laser or other light with harmful effects; or
30 (7) Any vibration, noise, saser, sonic weapon, or other physical agent exceeding
31 building biology guidelines.

32 The owner or operator must convey the records to the sheriff within twenty-four
33 hours.

1 The sheriff shall immediately order a cessation of operations of all antennas and
2 other deployments of energy or vibration emitted from the measured structure or facility.
3 The sheriff shall evaluate within twenty-four hours the owner or operator's performance
4 in causing the cessation of all operations. The sheriff shall refer suspected criminal activity
5 to the state's attorney for prosecution.