



LegiScan Search

[View Top 50 Searches](#)

State:

Select area of search.

Bill Number:

Find an exact bill number.

Full Text Search:

Search bill text and data. [\[help\]](#)

LegiScan Info

- [2024 Schedules](#)
- [Price List](#)
- [LegiScan API](#)
- [Weekly Datasets](#)
- [Documentation](#)
- [Search Help](#)
- [Voter Registration](#)
- [Governor Deadlines & Effective Dates](#)
- [Legislation 101](#)
- [On Bill Numbers](#)
- [State Support](#)

LegiScan Trends

[View Top 50 National](#)

- [CO HB1024](#) Extend Outreach Campaigns Wildfire Risk Mitigation
- [CO HB1067](#) Ballot Access for Candidates with Disabilities
- [CO HB1051](#) Towing Carrier Regulation
- [CO HB1070](#) Allowing Certain Items at School Graduation
- [LA SCR1](#) Invites the governor to address a joint session of the legislature on Monday,...
- [LA SB7](#) Redistricts the Louisiana Supreme Court to increase the composition of...
- [CO HB1027](#) Exemption for Children's Products
- [IN SCR0002](#) Recognizing the USS Indianapolis (LCS 17) and its crew

Bill Text: NH HB1700 | 2024 | Regular Session | Introduced



New Hampshire House Bill 1700

[NH State Legislature page for HB1700](#)[Summary](#)[Sponsors](#)[Texts](#)[Votes](#)[Research](#)[Comments](#)[Track](#)

Introduced

Bill Title: Prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification, excessive electromagnetic radio frequency, and microwave radiation and making penalties for violation of such prohibition.

Spectrum: Partisan Bill (Republican 2-0)

Status: *(Introduced)* 2024-01-17 - Public Hearing: 01/22/2024 01:00 pm Legislative Office Building 302-304 [\[HB1700 Detail\]](#)

Download: [New_Hampshire-2024-HB1700-Introduced.html](#)

HB 1700-FN - AS INTRODUCED

2024 SESSION

24-2554
08/10

HOUSE BILL *1700-FN*

AN ACT prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification, excessive electromagnetic radio frequency, and microwave radiation and making penalties for violation of such prohibition.

SPONSORS: Rep. Gerhard, Merr. 25; Rep. Potenza, Straf. 19

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill establishes a regulatory process to prevent the intentional release of polluting emissions, in New Hampshire's atmosphere and at ground level and provides penalties for violations. This bill requires reports of such violations to be made by state officials and members of the public to the department of environmental services air resources division of compliance and requires New Hampshire county sheriffs carry to enforce the provisions.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in-brackets-and-struckthrough]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2554
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification,

feedback

AN ACT PROHIBITING THE INTENTIONAL RELEASE OF POLLUTING EMISSIONS, INCLUDING CLOUD SEEDING, WEATHER MODIFICATION, excessive electromagnetic radio frequency, and microwave radiation and making penalties for violation of such prohibition.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Short Title. This act shall be known and may be cited as "The Clean Atmosphere Preservation Act."

2 Findings.

I. The general court finds that many atmospheric activities such as weather modification, stratospheric aerosol injection (SAI), solar radiation modification (SRM), and other forms of geoengineering, involving the intentional release of polluting emissions, harm human health and safety, the environment, agriculture, wildlife, aviation, state security, and the economy of the state of New Hampshire.

II. It is therefore the intention of the general court to prohibit SAI geoengineering and other intentionally polluting activities in New Hampshire's atmosphere and/or at ground level, as further set forth by the terms and provisions of this chapter to preserve the safe, healthful, and peaceful uses of New Hampshire's atmosphere for people, wildlife, and agriculture by prohibiting deliberate atmospheric pollution and manipulation of the environment, providing enforcement and penalties for violative activity. Due to necessity arising from federal stance and the potential and ease for enemies, foreign and domestic, to cause harm intentionally, states' "rights", including their authorities, are correctly exerted pursuant to the Tenth Amendment, where federal programs and restrictions have become oppressive or destructive.

3 New Sections; Prohibition on Polluting Emissions, Frequency, and Radiation. Amend RSA 12-F by inserting after section 1 the following new sections:

12-F:2 Regulation by the State. Given officials' obligation to promote the safety of life and property, and due to the potential for significant harm, all state climate-related appointees must be, or have been, administered the state oath of office and shall fulfill the obligations thereunder to protect the state and federal constitutions and New Hampshire constituents, requiring appointees' direct responsiveness to constituents and not to foreign or out-of-state entities. The department of environmental services shall refer potential violations as reported by state agencies or members of the public to New Hampshire county sheriffs and the department of environmental services, air resources division of compliance, as detailed herein.

12-F:3 Violative Activity.

I. The commissioner of the department of environmental services shall immediately issue a cease-and-desist order upon the discovery of stratospheric aerosol injection (SAI), cloud seeding, weather modification or other atmospheric polluting activity, including excessive electromagnetic radio frequency/microwave (RF/MW) radiation emissions, where an agency, department, office, program, or member of the public produces evidence to the department or to New Hampshire county sheriffs that the activity may be harmful or involves release of a polluting emission; and

II. The cease-and-desist order under paragraph I shall have the weight of a court order and any violation shall be punished under this chapter.

12-F:4 Departmental Notice to Cease Federal or Foreign-Approved Programs.

I. Where an activity that the department of environmental services has deemed hazardous has been approved, explicitly or implicitly, by the federal government, the department of environmental services shall issue a notice to the appropriate federal agency that the polluting activity cannot lawfully be carried out within or over the state of New Hampshire, pursuant to the Tenth Amendment.

II. A foreign state or international body that funds in part or in whole or engages in an activity deemed hazardous by the department of environmental services shall be prohibited in perpetuity from both engaging in and applying to engage in atmospheric activities in or above the state of New Hampshire. The department is authorized to provide notice to such foreign state or international body that the polluting activity cannot lawfully be carried out within or over the state of New Hampshire.

12-F:5 Penalties and Enforcement. An entity or individual who engages in a hazardous atmospheric activity or any entity or individual who uses an unmarked or unidentified aircraft or other vehicle or facility to carry out SAI geoengineering, weather modification, cloud-seeding, or other polluting atmospheric activity:

I. Has committed a felony and shall pay a fine of not less than \$500,000 or be imprisoned for not less than 2 years, or both;

II. Shall be guilty of a separate offense for each day during which violative activity has been conducted, repeated, or continued; and

III. Shall be deemed in violation, and subject to the penalties of RSA 125-C, RSA 125-D, and RSA 125-I, and other applicable pollution laws of the state of New Hampshire.

12-F:6 Public Participation; Reporting.

I. The department shall post advertisements in newspapers of general circulation and on the departmental Internet website to encourage the public to monitor, measure, document and report present, potential and past incidents that may constitute stratospheric aerosol injection (SAI), cloud seeding or other polluting atmospheric activities.

II. An individual who presents evidence of SAI geoengineering, cloud-seeding or other polluting atmospheric activity under paragraph I shall email or otherwise write and send to the commissioner of the department of environmental services, New Hampshire county sheriffs, or to any state public official any of the following:

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

(b) Collected samples with photography, videography, audiography, lab tests, microscopy, spectrometry, metering, and other forms of evidence shall similarly be submitted in writing to the department of environmental air resources division of compliance, New Hampshire county sheriffs, or to any state office, or any state public official.

III. A public official who has received information under paragraph I and has reason to suspect violative activity based on evidence presented by an agency or individual under paragraph II shall, directly or through a designee, report in writing within 24 hours all documentary and supportive evidence to the department of environmental services and New Hampshire county sheriffs for enforcement.

IV. A report to the department of environmental services of apparently harmful nuclear, biological, transbiological and/or chemical ("NBC") emissions shall trigger investigation of the source(s) and contents of said emissions, without limitation. Spectrometry of air and rainwater and other testing may be used to determine specific contents of emissions. Where the emissions are harmful to humans or the environment, per primary scientific study, enforcement shall ensue pursuant to RSA 12-F:5.

V. A report to the department of environmental services, New Hampshire county sheriffs, or any state official of excessive electromagnetic radiation or fields in any part of the spectrum, including without limitation microwave or maser, infrared, light or laser and ionizing radiation, or report of intense mechanical vibration, noise, or other physical agent, with evidence, including possible photography, videography, audio recordings, measurements of the agents, or other detection, shall trigger immediately for attention within 2 hours the department of environmental service's emergency measurements of peaks and averages over time with the appropriate, calibrated meter and forensic detection devices both at and near the reported location. Where professional metering and monitoring equipment is needed but not owned by the state, the department of environmental services shall partner with academic institutions and their experts for investigative activity, so as to provide evidentiary findings that would qualify under the Daubert Rule in judicial proceedings.

12-F:7 Investigatory Findings; Responses. As established in this chapter, manipulation of the environment involves the intentional release of polluting emissions. A finding of:

I. Any NBCs that are either xenobiotic (foreign-to-life) and should not exist in the natural environment, or that are found at xenobiotic levels or levels beyond the legal limits of the state or federal government, shall trigger enforcement as follows, over all federal, state and corporate entities:

(a) The department's immediate communication of the requirement of the owner and/or operator of each facility or infrastructure deploying or releasing the specific agents, to produce records of all data collection on emissions of the extant operations of any sites at or near where xenobiotic agents or excessive levels are or have been detected, and convey said records to the department;

(b) The department's immediate order to cease operations of the facility/ies or infrastructure other than those operations needed for police, fire, emergency services, and aviation safety; which order shall have the authority of a court order; and

(c) The department's evaluation within 24 hours of the owner's and/or operator's performance in causing the cessation of all operations except those activities exempted under subparagraph (b).

II. Radio Frequency / Microwave (RF/MW) radiation, including maser, of signal strength metered at and near the reported, publicly-accessible location in excess of -85 dBm (decibel-milliwatt) for any frequency or channel band specified by a transmitting entity's FCC transmission license;

III.(a)(1) Extreme-low-frequency alternating current (AC) electric fields in excess of 1 volt per meter (V/m); or

(2) Magnetic fields in excess of 1 milliGauss (mG); or

(3) Transients in the electrical wiring, also called "dirty electricity", which must be filtered for safety; or

(4) Ionizing radiation in excess of 0.02 milliSievert per hour (mSv/h);

(5) Laser or other light with harmful effects; or

(6) Any vibration, noise, saser, sonic weapon, or other physical agent exceeding other official limits, guidelines or standards, such as eCode360, shall trigger:

(b) The department's immediate communication of the requirement of the owner or operator of each tower, antenna, other facility or infrastructure deploying excessively energy-demanding transmissions and/or publicly-exposing transmissions, or other source of energy or vibration at or near the reported location, to produce records of all data collection on the extant operators at one or more sites near where excessive xenobiotic electromagnetism and fields, mechanical vibration, or other physical agents are or have been detected, and to convey said records to the department within 24 hours;

- (c) The department's immediate order to cease operations of all antennas on, and other deployments of energy or vibration emitted from, the measured structure or facility, other than the operations needed for police, fire, emergency services, and aviation safety;
- (d) The department's evaluation within 24 hours of the owner's and/or operator's performance in causing the cessation of all operations except those activities exempted under paragraph (b).
- (e) The department's referral of potential criminal activity to the department of environmental services air resources division of compliance or New Hampshire county sheriffs for enforcement; and
- (f) The department of environmental services or New Hampshire county sheriffs referral of suspected criminal activity to the judiciary for prosecution.

4 Effective Date. This act shall take effect upon its passage.

LBA
24-2554
12/11/23

HB 1700-FN- FISCAL NOTE
AS INTRODUCED

AN ACT Prohibiting the intentional release of polluting emissions, including cloud seeding, weather modification, excessive electromagnetic radiofrequency and microwave radiation and making penalties for violation of such prohibition.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
Revenue Fund	Indeterminable			
Expenditures	Indeterminable			
Funding Source	General Fund			
Appropriations	\$0	\$0	\$0	\$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Department of Environmental Services indicates this bill would require it to regulate and enforce against a wide variety of activities including “stratospheric aerosol injection (SAI), cloud seeding, weather modification or other atmospheric polluting activity, including excessive electromagnetic radio frequency/microwave (RF/MW) radiation emissions”. The Department states it has no expertise, knowledge, or other information regarding the subject topics of this bill or concerning the potential for such emissions to “harm human health and safety, the environment, agriculture, wildlife, aviation, state security, or the economy of the State.

The Department assumes it would need several new dedicated staff assigned to research potential health and environmental impacts of these topics, and to investigate and enforce in accordance with the requirements of

the bill depending on the research. Due to widespread social media characterizations regarding these topics, the Department would anticipate a steady stream of complaints requiring investigation. It is estimated that total new technical, investigation/inspection and enforcement staff could total 10 or more. In addition, it is assumed that the Department of Justice would require several additional attorneys to prosecute violations and respond to protracted litigation. The bill also would require notification and referral to county sheriffs, thus there would be an indeterminable cost to counties. The potential amount of fines collected would be unknown. While the Department does not necessarily concur with the premise of the legislation as stated in section 2, for the purposes of determining fiscal impacts as noted above, there will potentially be indeterminable fine revenues. As the number of complaints, investigations, enforcement actions is unknown, expenses are also indeterminable but could be significant.

The Department of Justice indicates that, among other things, the bill creates authority for the Department of Environmental Services to prevent anyone, especially the federal government, from engaging in certain climate related activities such as cloud seeding. The additional authority seems to relate to activities that may otherwise be under federal regulatory control. The Department of Justice states additional litigation may occur if these provisions are invoked as individuals, or the federal government itself, will likely challenge the authority of the state to require the federal government to cease operations. The potential impact to the Department of Justice is indeterminable but is estimated to be between \$0 and \$50,000 in any given year.

Department assumes few litigation matters might be able to be handled within the current budget, but more litigation matters may increase the annual cost to approximately \$50,000. There are no revenues associated with this bill.

The New Hampshire Association of Counties states this bill would require the county sheriffs to enforce new legislation around releasing polluting emissions. The Association is unable to determine how many violations would occur and what would be required for enforcement. The Association is unable to put a cost on this legislation.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments of Justice, Corrections and Environmental Services, New Hampshire Association of Counties, and New Hampshire Municipal Association