

HB 1700-FN - AS INTRODUCED

2024 SESSION

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

3 2 Findings.

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

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

18 3 New Sections; Prohibition on Polluting Emissions, Frequency, and Radiation. Amend RSA 12-
19 F by inserting after section 1 the following new sections:

20 12-F:2 Regulation by the State. Given officials' obligation to promote the safety of life and
21 property, and due to the potential for significant harm, all state climate-related appointees must be,
22 or have been, administered the state oath of office and shall fulfill the obligations thereunder to
23 protect the state and federal constitutions and New Hampshire constituents, requiring appointees'
24 direct responsiveness to constituents and not to foreign or out-of-state entities. The department of
25 environmental services shall refer potential violations as reported by state agencies or members of
26 the public to New Hampshire county sheriffs and the department of environmental services, air
27 resources division of compliance, as detailed herein.

28 12-F:3 Violative Activity.

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

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

9 12-F:4 Departmental Notice to Cease Federal or Foreign-Approved Programs.

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

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

21 12-F:5 Penalties and Enforcement. An entity or individual who engages in a hazardous
22 atmospheric activity or any entity or individual who uses an unmarked or unidentified aircraft or
23 other vehicle or facility to carry out SAI geoengineering, weather modification, cloud-seeding, or
24 other polluting atmospheric activity:

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

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

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

31 12-F:6 Public Participation; Reporting.

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

36 II. An individual who presents evidence of SAI geoengineering, cloud-seeding or other
37 polluting atmospheric activity under paragraph I shall email or otherwise write and send to the

1 commissioner of the department of environmental services, New Hampshire county sheriffs, or to
2 any state public official any of the following:

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

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

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

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

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

33 12-F:7 Investigatory Findings; Responses. As established in this chapter, manipulation of the
34 environment involves the intentional release of polluting emissions. A finding of:

35 I. Any NBCs that are either xenobiotic (foreign-to-life) and should not exist in the natural
36 environment, or that are found at xenobiotic levels or levels beyond the legal limits of the state or

1 federal government, shall trigger enforcement as follows, over all federal, state and corporate
2 entities:

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

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

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

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

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

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

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

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

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

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

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

34 (c) The department's immediate order to cease operations of all antennas on, and other
35 deployments of energy or vibration emitted from, the measured structure or facility, other than the
36 operations needed for police, fire, emergency services, and aviation safety;

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

4 (e) The department's referral of potential criminal activity to the department of
5 environmental services air resources division of compliance or New Hampshire county sheriffs for
6 enforcement; and

7 (f) The department of environmental services or New Hampshire county sheriffs referral
8 of suspected criminal activity to the judiciary for prosecution.

9 4 Effective Date. This act shall take effect upon its passage.

**HB 1700-FN- FISCAL NOTE
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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
<i>Revenue Fund</i>	Indeterminable			
Expenditures	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source</i>	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