

HB 764-FN - AS INTRODUCED

2025 SESSION

25-0912

08/05

HOUSE BILL

764-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. Potenza, Straf. 19; Rep. J. Aron, Sull. 4; Rep. Burnham, Straf. 2; Rep. DeRoy, Straf. 3; Rep. Ploszaj, Belk. 1; Rep. Sabourin, Rock. 30; Rep. Vandecasteele, Rock. 25; Rep. Morse, Merr. 3

COMMITTEE:

Science, Technology and Energy

ANALYSIS

This bill prohibits geoengineering, including the intentional release of polluting emissions, makes an exception for the use of cloud seeding during a catastrophic drought, makes penalties for violation of such a prohibition, and requires the commissioner of the department of environmental services to notify federal agencies of the prohibition and penalties for violating such prohibition.

Explanation:

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

Matter removed from current law appears ~~[in brackets and struck through.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 may be cited as "The Clean Atmosphere Preservation Act."

2 2 Findings. The general court finds:

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

7 II. It is therefore the intention of the general court to prohibit the intentional injection,
8 release, or dispersion, by any means, of chemicals, chemical compounds, substances, or apparatus
9 within the borders of this state into the atmosphere with the express purpose of affecting
10 temperature, weather, or the intensity of the sunlight. Prohibiting geoengineering (SAI and SRM)
11 and other intentionally polluting activities in New Hampshire's atmosphere and/or at ground level,
12 as further set forth by the terms and provisions of this chapter to preserve the safe, healthful, and
13 peaceful uses of New Hampshire's atmosphere for people, wildlife, and agriculture by prohibiting
14 deliberate atmospheric pollution and manipulation of the environment, providing enforcement and
15 penalties for violative activity.

16 III. Due to necessity arising from the federal stance and the potential and ease for enemies,
17 foreign and domestic, to cause harm intentionally, states' "rights", including their authorities, are
18 correctly exerted pursuant to the Tenth Amendment, where federal programs and restrictions have
19 become oppressive or destructive.

20 3 New Subdivision; Air Pollution Control; Geoengineering Prohibited. Amend RSA 125-C by
21 inserting after section 21 the following new subdivision:

22 Geoengineering Prohibited

23 125-C:22 Geoengineering Prohibited. No person shall engage in geoengineering activities,
24 including weather modification, stratospheric aerosol injection, or solar radiation modification
25 involving the intentional release of polluting emissions.

26 125-C:23 Exemption for Cloud Seeding Weather Modification in Case of a Catastrophic Drought.

27 I. Notwithstanding RSA 135-C:22, cloud seeding may only occur in New Hampshire under
28 the following conditions:

HB 764-FN - AS INTRODUCED
- Page 2 -

1 (a) The governor, upon the recommendation of the department of environmental services
2 or other relevant agencies, shall declare a state of emergency in response to a catastrophic drought.

3 (b) A state of emergency for a catastrophic drought shall only be declared when the
4 drought is severe enough to pose a significant risk to the state's water supply, agriculture, public
5 health, or economic stability.

6 (c) The state of emergency shall be officially documented and published by the governor's
7 office in accordance with RSA 4:45, and shall include a clear statement that cloud seeding is a
8 necessary measure to mitigate the impacts of the drought.

9 II. Prior to engaging in cloud seeding, the state shall conduct a thorough environmental
10 review, assessing potential risks and benefits, and ensuring that the activities will not result in
11 harm to the environment, public health, or wildlife.

12 III. The department of environmental services shall maintain oversight of all cloud seeding
13 activities to ensure compliance with regulations and to assess the effectiveness of cloud seeding
14 operations. At least 3 months prior to the presentation of any cloud seeding activities brought forth
15 by the governor, upon the recommendation of the department of environmental services or other
16 relevant agencies, the department of environmental services shall do the following:

17 (a) Place a public notice in at least 4 newspapers within the state and on the
18 departmental Internet website informing the public of the date and type of the proposed weather
19 modification program or experimentation events within the state.

20 (b) Disclose to the public the chemical compounds and technologies to be used in the
21 proposed weather modification program or experimentation events in the state, including the effects
22 of the program or experimentation on human health, what wildlife and wildlife habitats may be
23 affected, and the source of funding to perform such program or experimentation.

24 125-C:24 Violations; Penalties.

25 I. Whenever the director of the division of air resources finds a violation of any of the
26 provisions of this subdivision or any rules in force hereunder, the director shall issue a notice of
27 violation and, where appropriate, an order of abatement establishing a compliance schedule with
28 which the person engaging in geoengineering shall comply. Upon a finding by the director that there
29 is an imminent and substantial endangerment to the public health or welfare or the environment,
30 the director shall issue an order of abatement requiring immediate compliance and the order shall be
31 final and enforceable upon issuance, but may be appealed to the council within 30 days of its
32 issuance, and the council may, after hearing, uphold, modify, or abrogate such order.

33 II. Any violation of the provisions of this subdivision, or of any rule adopted or order issued
34 under it, shall be subject to enforcement by injunction, including mandatory injunction, issued by the
35 superior court upon application of the attorney general. Any such violation shall also be subject to a
36 civil forfeiture to the state of not more than \$25,000 for each violation, and for each day of a
37 continuing violation.

HB 764-FN - AS INTRODUCED
- Page 3 -

1 III. Any person who violates any of the provisions of this subdivision, or any rule adopted or
2 order issued under this subdivision shall be guilty of a misdemeanor if a natural person, or guilty of
3 a felony if any other person.

4 IV. Notwithstanding RSA 651:2, any person may, in addition to any sentence of
5 imprisonment, probation, or conditional discharge, be fined not more than \$25,000 if found guilty of
6 any violation pursuant to RSA 125-O:23. Each day of violation shall constitute a separate offense.

7 3 Notice of Prohibition. The commissioner of the department of environmental services shall,
8 within 30 days of the effective date of this section, provide notice to the following entities that
9 geoengineering is prohibited and of the penalties for violating such prohibitions:

10 I. National Oceanic and Atmospheric Administration (NOAA).

11 II. The University Corporation for Atmospheric Research.

12 III. The National Aeronautics and Space Administration (NASA).

13 IV. The U.S. Global Change Research Program (USGCRP).

14 V. The White House Office of Science and Technology Policy (OSTP).

15 VI. The Department of Energy (DOE).

16 VII. The DOE Meteorological Coordinating Council (DMCC).

17 VIII. The National Science Foundation (NSF).

18 IX. The Department of Defense (DOD).

19 X. The Environmental Protection Agency (EPA).

20 XI. The Department of State (DOS).

21 XII. The National Weather Service (NWS).

22 XIII. Federal Aviation Administration (FAA).

23 XIV. United States Department of Agriculture (USDA).

24 XV. Office of Science / Biological and Environmental Research (BER).

25 XVI. National Nuclear Security Administration (NNSA).

26 XVII. Nuclear Regulatory Commission (NRC).

27 XVIII. Earth Science Research (ESD).

28 XIX. United States Bureau of Land Management (BLM).

29 XX. The National Park Service (NPS).

30 XXI. The Department of Homeland Security (DHS).

31 XXII. The Federal Emergency Management Agency (FEMA)

32 XXIII. The Office of Marine and Aviation Operations (OMAO).

33 XXIV. The Office of Oceanic and Atmospheric Research (OAR).

34 XXV. The Department of Commerce (DOC).

35 4 Repeal. RSA 12-F, relative to weather modification, is repealed.

36 5 Effective Date. This act shall take effect 45 days after its passage.

**HB 764-FN- FISCAL NOTE
AS INTRODUCED**

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.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable Increase \$500,000 to \$1,000,000+	Indeterminable Increase \$500,000 to \$1,000,000+	Indeterminable Increase \$500,000 to \$1,000,000+
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill prohibits geoengineering activities in the state, including methods like weather modification, stratospheric aerosol injection, and solar radiation modification, which involve releasing pollutants. However, cloud seeding is allowed only during a declared catastrophic drought to help address severe water shortages. Strict conditions and public notice requirements apply, including a review of environmental impacts. Additionally, penalties for violating these rules include fines up to \$25,000 per violation, potential misdemeanor or felony charges, and other legal consequences. The Department of Environmental Services is responsible for implementing and enforcing the provisions of this bill.

The Department of Environmental Services (DES) states this bill tasks the Department with enforcing the prohibition of geoengineering activities, including stratospheric aerosol injection (SAI) and solar radiation modification (SRM). DES would issue notices of violations and orders of abatement as necessary and oversee cloud seeding operations permitted only during catastrophic droughts. Additionally, the DES Commissioner would notify 25 federal and state agencies about the geoengineering prohibition and the associated penalties. These responsibilities require DES to ensure compliance with the legislation and provide oversight for any limited exceptions, such as cloud seeding.

The fiscal impact of this bill on State expenditures for DES is estimated to range between \$500,000 and \$1,000,000, though the exact amount is indeterminable. DES lacks existing expertise in weather modification, SAI, SRM, and related areas, which would necessitate hiring new technical and administrative staff to fulfill the legislation's requirements. Further, additional staff time would be required to provide technical expertise for rulemaking and occasional oversight of cloud seeding activities. See table below for additional positions needed and expenditures associated with positions. Please note there is no funding or authorization for new positions listed in table.

Purpose for Positions	Estimated Start Date July 1, 2025	FY 2026	FY 2027	FY 2028
Required to Administer Complaints	2 x Environmentalist IV Soc 13 - Band 07 Step 6	\$260,000	\$268,000	\$268,000
Required Technical Staff	2 x Environmentalist IV Soc 19 - Band 08 Step 5	\$252,000	\$258,000	\$268,000
Required Subject Matter Experts	Administrator III Soc 11 - Band 06 Step 4	\$139,000	\$143,000	\$148,000
Total		\$651,000	\$669,000	\$684,000

Additionally, the DES may also need to invest in specialized monitoring and analysis equipment, of which is an indeterminable cost. Support may also be needed for the Attorney General's office to prosecute violations, adding to the overall resource demands.

Lastly, this bill also 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

AGENCIES CONTACTED:

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