

Committee Report

CONSENT CALENDAR

March 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 128,

AN ACT adding notification requirements to the weather modification statute. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Matthew Santonastaso

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 128
Title:	adding notification requirements to the weather modification statute.
Date:	March 4, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill requires state agencies to inform the public of the nature of an experiment before performing weather modification experimentation, and to solicit public input. The statute (RSA 12-F:1) currently has no restrictions on what types of experiments may be performed, what chemicals or technologies can be used, or any protection for ecology or population. Although this statute has never been used by any agency as far as anyone can determine, because of its broad scope and its potential to create large negative externalities, the committee felt it is reasonable to add a notification requirement.

Vote 18-0.

Rep. Matthew Santonastaso
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 128, adding notification requirements to the weather modification statute. **OUGHT TO PASS.**

Rep. Matthew Santonastaso for Executive Departments and Administration. This bill requires state agencies to inform the public of the nature of an experiment before performing weather modification experimentation, and to solicit public input. The statute (RSA 12-F:1) currently has no restrictions on what types of experiments may be performed, what chemicals or technologies can be used, or any protection for ecology or population. Although this statute has never been used by any agency as far as anyone can determine, because of its broad scope and it's potential to create large negative externalities, the committee felt it is reasonable to add a notification requirement. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

Archived: Tuesday, April 20, 2021 9:30:57 AM
From: Carol McGuire
Sent: Saturday, March 6, 2021 11:55:51 AM
To: Matthew Santonastaso; Miriam Simmons; Pam Smarling
Subject: Re: HB128 blurb
Response requested: No
Importance: Normal

HB 128

OTP, 18-0, consent

This bill requires state agencies to inform the public of the nature of the experiment before performing weather modification experimentation, and solicit public input. The statute (RSA 12-F:1) currently has no restrictions on what types of experiments could be performed, what chemicals or technologies can be used, or any protection for ecology or population. Although this statute has never been used by any agency as far as anyone can determine, because of its broad scope and it's potential to create large negative externalities, the committee felt it is reasonable that the public be informed.

Rep. Matthew Santonastaso for Executive Departments and Administration.

I rearranged your phrases a bit, added some commas, and replaced "statue" with "statute." (obviously auto-correct!)

Carol

On Fri, Mar 5, 2021 at 5:27 PM Matthew Santonastaso <Santonastaso@cheshireliberty.com> wrote:

Feel free to edit if necessary

Rep. Matthew Santonastaso for Executive Departments and Administration.

This bill amends existing weather modification experimentation statute (RSA 12-F:1) to require state agencies to inform the public before performing weather modification experimentation, the nature of the experimentation and solicit public input. The statute currently has no restrictions on what types of experiments could be performed, what chemicals can be used or any protection for ecology or population. Although this statute has never been used by any agency as far as anyone

can determine because of its broad scope and the potential to create large negative externalities it is reasonable that the public be informed.

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 128

BILL TITLE: adding notification requirements to the weather modification statute.

DATE: March 4, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Santonastaso

Seconded by Rep. T. Lekas

Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: HB 128 Motion: OTP AM #: _____ Exec Session Date: 3-4-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeudy, Jean L.			
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

18-0

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 128

BILL TITLE: adding notification requirements to the weather modification statute.

DATE: February 22, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:05 a.m.

Time Adjourned: 10:30 a.m.

(please circle if present)

All Present
Committee Members: Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, Lekas, Alliegro, Bailey, Lanzara, Santonastaso, P. Schmidt, Schultz, Goley, Judy, Schuett, Fellows, Fontneau, Grote, M. O'Brien

Bill Sponsors:

Rep. Aron

Rep. Potucek

Rep. Allard

Rep. Howard

Rep. Sylvia

Sen. Ward

Rep. T. Lekas

Rep. Nunez

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 128 adding notification requirements to the weather modification statute. (10:05/10:30)

1. ***Rep. Aron, sponsor, introduced the bill and spoke in support.** She said that this law dated back to 1953 and has never been used. She tried to repeal it but it was felt that it was better to have something in law rather than nothing at all regarding experiments on weather control. She said that there are no real limitations imposed and that, at a minimum, there should be public notice of any such intended experiments. The present situation is that Governor and Council give approval but she felt that better notice should be provided. There were questions regarding whether any state agencies had done experimentation, what was the situation in other states, did this affect only state agencies.

2. **Rep. Sylvia spoke in support** because it added transparency.

3. **Amy Vickers, an industry consultant based in Massachusetts, spoke in support** saying that this law was a pioneer in public notification.

Respectfully submitted by,

Rep. John Sytek
Committee Clerk

HB 128 adding notification requirements to the weather modification statute. (10:05/10:30)

>*Rep. Aron, sponsor, introduced the bill and spoke in support. She said that this law dated back to 1953 and has never been used. She tried to repeal it but it was felt that it was better to have something in law rather than nothing at all regarding experiments on weather control. She said that there are no real limitations imposed and that, at a minimum, there should be public notice of any such intended experiments. The present situation is that Governor and Council give approval but she felt that better notice should be provided. There were questions regarding whether any state agencies had done experimentation, what was the situation in other states, did this affect only state agencies.

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>Amy Vickers, an industry consultant based in Massachusetts, spoke in support saying that this law was a pioneer in public notification.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB128 on 2

Support: 10 Oppose: 1 Neutral: 0 Total to Testify: 0

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Ward, Senator Ruth	ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	2
Potucek, John	potucek1@comcast.net	An Elected Official	Myself	Support	No	2
Tremblay, Linda	yogilinda@yahoo.com	A Member of the Public	Myself	Support	No	2
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	2
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Support	No	2
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	2
Mangipudi, Latha	Nashua, NH Latha.mangipudi@leg.state.nh.us	An Elected Official	Hills 35	Support	No	2
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	2
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Oppose	No	2
Vickers, Amy	Amherst, MA ava-inc@amyvickers.com	A Member of the Public	Myself	Support	No	2
Vail, Suzanne	Nashua, NH Suzanne.vail@leg.state.nh.us	An Elected Official	Myself	Support	No	2

Testimony

02/22/21 - House Executive Departments and Administration

Recommend Ought to Pass on - HB128 - An Act adding notification requirements to the weather modification statute.

Dear House Executive Departments and Administration Committee Members,

This bill adds a public notification element to a statute that has been on the books since 1953. The statute itself was last recodified in 1985 and to anyone's knowledge has never been used. The current statute allows for Departments and Agencies within the State of NH, and with approval by the Governor and the Executive Council, to perform weather modification experiments alone, or in conjunction with the federal government and/or other states. There is no current mechanism, other than the usual public notice of Executive Council meeting and agenda, to let the public know what type of weather experimentation or modification might be proposed or planned.

I'd like to briefly go through the history of this statute. The current statute came to be as a result of sweeping changes of recodification of agricultural statutes back in 1985. It was part of HB25 which was about 300 pages long, and the first 293 pages dealt with Title XL while the last handful of pages included RSA 12-F. The whole thing passed and so this statute was recodified and moved to its current place in our law. It used to be Chapter 432:1.

Prior to 1985 recodification, this weather modification experimentation legislation was first introduced into the legislature's House Resources, Recreation and Development Committee, as far back as 1953 as HB412. It was considered in 1953 with regard to Project Cirrus/Cloud seeding for rain making in times of drought, and that possible experiments would be done at Mt. Washington Observatory. At the time, according to scant hearing minutes, there were some meteorological investigations already going on up there by companies like G.E.. This was viewed as a means to bring in corporations to do additional serious experiments and bring possible benefits to NH. G.E. documented the experiments they did on Mt. Washington as part of their "History of Project Cirrus". The minutes of the NH Committee hearing revealed that the federal government had a similar bill being considered by Congress (Department of Commerce) at the time.

In this NH committee, there were concerns about what would happen if experiment results drifted into states like Vermont and Maine, would our state be held liable? But the response was that the statute covered that. It doesn't, and at the time there was some sort of lawsuit pending in NYC courts. There were comments as to the cost of these projects and that ground seeding would be less expensive than air seeding. Other comments indicated that departments like Fish and Game and the NH State Council of Resources and Development saw this as permissive legislation and that Fish and Game did a study of habitat and ecology and showed that controlling the experiments was possible. There was no explanation of how that would be. Others expressed concern about unqualified people running these experiments. In the end, they all agreed that the bill was acceptable, and in 1953 it became law.

Attempt at repeal of the current statute was attempted in 2013 in the House Science and Technology Committee. It failed then because they felt no value in removing it from statute. I attempted repeal in a Senate bill last year, but came to understand that repeal meant the statutes would remain totally

silent on the issue at all, which was not a desired consequence either. So here I am today with an addition to the statute to put in place public notification.

For over 60 years this statute has been in place, and no one has used it and no one has plans to use it. Last year I contacted 13 Department heads, agencies, and commissions in NH to see if they ever used this statute, or planned to use it. 10 replied NO and 3 did not return my email. I have many reservations regarding this statute as it stands today, and while it hasn't seemed to be a bother being in place for all this time, its potential is disturbing without some sort of public notification included. There is no mention of having proposals of weather modification experimentation coming to a vote or approval from NH citizens. There's no mention or limitation of what types of experiments could be performed. Experimentation could result in some pretty devastating health and ecological fallout. There's no guarantee of safety to our state ecology or population. There is no mention of the liability our state would have with neighboring states and what problems this could cause our agricultural community. Most people in NH have no idea that this statute even exists. This is why I would like to at least add a public notification element, so that if plans do come about then the citizens of the State at least can be informed about them ahead of time and have an opportunity to comment.

There are many articles and websites which discuss the ability of man to control weather, especially in these times where we are concerned about changes in our climate and weather patterns. I'm no scientist, but in reading up on the subject, more and more scientists agree that controlling the weather is nearly impossible because of the huge list of variables involved.

However, for a long time there has been experimentation going on in small and large scale, with some that the public is aware of and some not. The truth is that despite experiments and studies over the decades, it is still challenging to carry out such controlled experiments and difficult to ascertain if they will actually work. The jury is still out on whether or not these experiments are favorable to the planet or can create undesirable effects in the long term. No one is really sure what releasing various chemicals into the air will do to everything below, or if there are long term consequences.

The statute that we currently have is so broad and gives carte blanche to the State on this issue of weather experimentation. I'm not convinced that allowing departments and agencies in our state to have unfettered ability to do weather modification experiments in the skies over New Hampshire is a good or a safe thing. We should at the very least insert public input into the process.

Thank You,

Rep. Judy Aron
NH State Representative
Sullivan County District 7
(Acworth, Goshen, Langdon, Lempster, Washington)
Environment and Agriculture Committee, Vice-Chair
Transportation, Member
266 Forest Road, South Acworth, NH 03607
603-843-5908

I sent an email out to these 13 Department heads, agencies, and commissions on January 9th, 2020 when I was seeking to repeal the statute. The last 3 (shown with asterisks) did not reply to my email. The email request is shown below and department head replies follow.

Department of Revenue Administration

Department of Safety

New Hampshire Liquor Commission

New Hampshire Fish and Game

New Hampshire Division of Forests and Lands (Department of Natural and Cultural Resources)

Department of Information Technology

New Hampshire Insurance Department

New Hampshire Employment Security

Department of Agriculture

UNH Agricultural Experiment Station

*** Department of Health and Human Services**

*** Department of Environmental Services**

*** Public Utilities Commission**

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I am writing to you today to ask you if your Department, Agency or Commission has any current or future plans with regard to weather modification experimentation in New Hampshire.

There is a Senate Bill which is seeking repeal of the Statute which authorizes weather modification experimentation in NH - SB520 (http://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=2065&type=3). It will have a Senate hearing on 1/15/2020 at 10:15 am in LOB 101.

Below is the current law that we are seeking to repeal. As far as I know, this statute has not been used since it was made effective in 1985, 35 years ago!

Title 1 (The State and its Government) Chapter 12-F (**WEATHER MODIFICATION EXPERIMENTATION**) **Section 12-F:1**

12-F:1 Weather Modification Experimentation. – Any department or agency of the state may, with the approval of the governor and council and within the limits of appropriated funds or by means of gifts, donations or grants, engage in and undertake experimentation in the techniques and methods for weather modification, and may cooperate therein with the federal government, with authorized agencies of other states, and with interested persons and organizations. **Source.** 1985, 72:2, eff. July 1, 1985.

Please reply to me via email with your response to these questions:

1. Does your agency/commission have any planned projects which have to do with weather modification experimentation in NH? If yes, please explain what the plan is and when it is to be done and by whom.
2. Has your agency/commission had any projects in the past which dealt with weather modification experimentation in NH? If yes, please explain the outcome.
3. Has your agency/commission ever been asked to participate with the federal government or agencies of other states to engage in any weather modification experimentation in NH? If yes, please explain the outcome.
4. Do you have an issue with the repeal of this statute? If yes, please explain

Thank you ,

Thu 1/9/2020 12:10 PM

Rep Aron,

I am unaware that any of us at Fish & Game even knew this statute existed. We have not participated in any of these activities nor do I expect we ever would.

Regards,

Glenn Normandeau
Executive Director
NH Fish & Game Department

=====

1/10/2020

Hi Rep. Aron,

We do not conduct this kind of research at the experiment station or in the UNH College of Life Sciences and Agriculture.

Best,

Lori

Lori G. Wright, Ph.D.
Communications Manager
NH Agricultural Experiment Station

Keener Dairy Research Facility
30 O’Kane Road, Room 102A
Durham, New Hampshire 03824
603-862-1452 | lori.wright@unh.edu

=====

Quinn, Robert <Robert.Quinn@dos.nh.gov>

Fri 1/10/2020 1:48 PM

Dear Representative Aron,

The Department of Safety has no plans to engage in this type of activity. I am not aware that we have participated or been asked to participate in this type of activity. We take no position on the repeal of this statute.

Best Regards-

=====

Mollica, Joseph <Joseph.Mollica@liquor.nh.gov>

Thu 1/9/2020 2:33 PM

Representative Aron (Judy),

The NHLC has no current or future plans with regard to weather modification experimentation in New Hampshire.

Sincerely,

Joe M

=====

Feldvebel, Alexander <Alexander.Feldvebel@ins.nh.gov>

Fri 1/10/2020 9:48 AM

1. Does your agency/commission have any planned projects which have to do with weather modification experimentation in NH? If yes, please explain what the plan is and when it is to be done and by whom.

No.

2. Has your agency/commission had any projects in the past which dealt with weather modification experimentation in NH? If yes, please explain the outcome.

No.

3. Has your agency/commission ever been asked to participate with the federal government or agencies of other states to engage in any weather modification experimentation in NH? If yes, please explain the outcome.

No.

4. Do you have an issue with the repeal of this statute? If yes, please explain.

No.

Alexander K. Feldvebel
Acting Commissioner
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301

(603.271.2736 /7 603.271.1406

=====
Copadis, George <George.N.Copadis@nhes.nh.gov>

Thu 1/9/2020 5:42 PM

Dear Representative Aron,

We have never had any involvement with this and do not have any plans to do so in the future. We have never been asked to participate with the federal government or agencies of other states in any weather modification experimentation in NH.

We take no position on repeal of this statute.

Thanks,
George
George N. Copadis
Commissioner
New Hampshire Employment Security
45 South Fruit Street
Concord, NH 03301
603-228-4000
603-228-4010 Fax
603-419-9100 Cell

=====

Stewart, Sarah <Sarah.Stewart@dncr.nh.gov>
Thu 1/9/2020 1:07 PM
Dear Representative,

The Department of Natural and Cultural Resources is fine with a repeal. There was a time when cloud seeding was being tested for its use during high fire conditions, but those days are over.

Thank you,
Sarah Stewart
Commissioner

=====

Dunn, Kenneth <Kenneth.R.Dunn@doit.nh.gov>
Thu 1/9/2020 12:51 PM
Dear Representative Aron,

The Department of Information Technology is not aware of any prior or current plans to engage in activities associated with this legislation. We are also not aware of DoIT being approached by other agencies or the federal government to participate in technology assistance. Therefore, we have no issues with this statute being repealed.

Ken Dunn
Deputy Commissioner
NH Department of Information Technology
27 Hazen Dr, Concord, NH 03301
603-223-5738 (w) | 603-931-2119 (c)

=====

Stepp, Lindsey <Lindsey.Stepp@dra.nh.gov>
Thu 1/9/2020 9:24 AM
Good morning Rep. Aron,

The Department of Revenue Administration's answers to your questions are as follows:

1. No
2. Not that I am aware of
3. Not that I am aware of
4. No issues with repealing the statute

Happy New Year!

Kind regards,
Lindsey

Lindsey M. Stepp
Commissioner
NH Department of Revenue Administration
109 Pleasant Street
PO Box 457
Concord, NH 03302-0457

=====

Jasper, Shawn <Shawn.Jasper@agr.nh.gov>

Thu 1/9/2020 8:29 AM

Dear Representative Aron,

The Department of Agriculture, Markets and Food has no plans to engage in this type of activity. Nor am I aware that we have participated or been asked to participate in such activity. I have no issues with this statute being repealed. This department is regulatory in nature and we leave all agricultural related research and experimentation to UNH Cooperative Extension and to the University of NH.

Shawn N. Jasper, Commissioner

State of New Hampshire

Department of Agriculture, Markets & Food

Mailing: PO Box 2042, Concord, NH 03302

Physical: 25 Capitol St., Room 220, Concord, NH 03301

603-271-3551 Main Office

603-419-9191 cell

Shawn.jasper@agr.nh.gov

=====

Archived: Wednesday, April 7, 2021 1:31:55 PM

From: [Judy Aron](#)

Sent: Monday, February 22, 2021 10:54:12 AM

To: ~House Executive Departments and Administration

Subject: HB128 - Testimony

Importance: Normal

Attachments:

[Testimony WeatherMod HB128.docx](#)  [WeatherModDeptHeadReplies.docx](#) 

Dear ED&A Committee members,

Thank you for taking my testimony today on this bill.

I have attached my testimony to this email.

I am also attaching the correspondence I had last year with department/agency heads when I was seeking repeal of the statute.

I wanted to find out if they had any knowledge of past use and possible future use of this current statute.

The Senate hearing last year gave me pause to think that it would be unwise to repeal the statute entirely, but instead add public notification to it.

I'd be interested to know what replies you get from the Science and Technology Committee as well as the Department of Environmental Services on this matter, as was brought up in the hearing today.

I am available to answer any of your questions that you may have on this bill.

I hope that you will pass this bill, with or without amendment, through committee and allow for public input into the process which currently exists for weather modification/experimentation in NH.

Thank you!

Judy Aron

NH State Representative

Sullivan County District 7

(Acworth, Goshen, Langdon, Lempster, Washington)

Environment and Agriculture Committee, Vice-Chair

Transportation, Member

266 Forest Road, South Acworth, NH 03607

603-843-5908

Bill as
Introduced

HB 128 - AS INTRODUCED

2021 SESSION

21-0051

08/05

HOUSE BILL **128**

AN ACT adding notification requirements to the weather modification statute.

SPONSORS: Rep. Aron, Sull. 7; Rep. Potucek, Rock. 6; Rep. Allard, Merr. 21; Rep. Howard, Belk. 8; Rep. Sylvia, Belk. 6; Sen. Ward, Dist 8; Rep. T. Lekas, Hills. 37; Rep. Nunez, Hills. 37

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires notice before a state agency attempts to modify the weather.

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 One

AN ACT adding notification requirements to the weather modification statute.

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

1 1 Weather Modification; Notification Required. Amend RSA 12-F:1 to read as follows:

2 12-F:1 Weather Modification Experimentation.

3 ***I.*** Any department or agency of the state may, with the approval of the governor and council
4 and within the limits of appropriated funds or by means of gifts, donations or grants, engage in and
5 undertake experimentation in the techniques and methods for weather modification, and may
6 cooperate therein with the federal government, with authorized agencies of other states, and with
7 interested persons and organizations.

8 ***II.*** ***At least 2 months prior to the presentation to the governor and executive council***
9 ***for approval of engagement in or experimentation in techniques and methods for weather***
10 ***modification, the department or agency of the state participating in such engagement or***
11 ***experimentation shall do the following:***

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

15 (b) ***Disclose to the public the chemical compounds and technologies to be used***
16 ***in the proposed weather modification program or experimentation events in the state***
17 ***including the effects of the program or experimentation on human health, what wildlife***
18 ***and wildlife habitats may be affected, and the source of funding to perform such program***
19 ***or experimentation.***

20 (c) ***Solicit public input regarding the proposed weather modification program***
21 ***or experimentation.***

22 2 Effective Date. This act shall take effect 60 days after its passage.