

HB 1608-FN – AS INTRODUCED

2014 SESSION

14-2243
05/10

HOUSE BILL ***1608-FN***

AN ACT relative to hydraulic fracturing.

SPONSORS: Rep. Horrigan, Straf 6; Rep. Gorman, Hills 31

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill prohibits hydraulic fracturing for natural gas and oil production and the discharge of waste in this state from hydraulic fracturing.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 department.

2 ***II. No person shall discharge waste from hydraulic fracturing into or from a***
3 ***pollution abatement facility. In this paragraph:***

4 ***(a) “Hydraulic fracturing” means the process of pumping a fluid into or under***
5 ***the surface of the ground in order to create fractures in rock for the purpose of the***
6 ***production or recovery of oil or gas.***

7 ***(b) “Pollution abatement facility” means municipal sewage treatment plants,***
8 ***pumping stations, interceptor and outfall sewers, and attendant facilities to abate***
9 ***pollution of the waters of the state.***

10 ***III.*** Any person who violates the provisions of this section shall be guilty of a misdemeanor if
11 a natural person, or guilty of a felony if any other person.

12 3 Effective Date. This act shall take effect 60 days after its passage.

HB 1608-FN - FISCAL NOTE

AN ACT relative to hydraulic fracturing.

FISCAL IMPACT:

The Judicial Branch and New Hampshire Association of Counties state this bill, as introduced, may decrease state and county expenditures by an indeterminable amount in FY 2014 and each year thereafter. The Department of Environmental Services states this bill will have an indeterminable fiscal impact on state, county, and local revenue and expenditures in FY 2014 and each year thereafter.

METHODOLOGY:

The Judicial Branch states this bill adds RSA 488-A, and amends RSA 485:30 to prohibit hydraulic fracturing; the collection, storage, or treatment of wastewater from hydraulic fracturing; and the discharge of waste from hydraulic fracturing into or from a pollution abatement facility. A violation of this prohibition would be an unspecified misdemeanor if a natural person, and an unspecified felony if any other person. The Branch has no information to estimate how many additional misdemeanor or felony cases may result from the proposed bill. The Branch does have information on the average cost of processing a class B felony case which is classified as a routine criminal case. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. The Branch estimates a class A misdemeanor will cost \$66.17 per case in FY 2015, and \$67.64 per case in FY 2016 and each year thereafter, and a class B misdemeanor will cost \$46.99 per case in FY 2015, and \$48.02 per case in FY 2016 and each year thereafter. The unspecified felony would be processed as an average routine criminal case which will cost \$425.27 in FY 2015, and \$433.34 in FY 2016 and each year thereafter. The possibility for a case to be appealed increases the cost. All costs are estimated based on case weight information from the last needs assessment completed in 2005. Since the last needs assessment studies there have been changes to the judicial system, such as the formation of the circuit court, more self-represented litigants and how cases are processed, that may impact the costs associated with processing cases.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties will have increased expenditures. The Association is unable to determine the number of individuals who may not be charged, convicted, or incarcerated as a result of this bill to determine an exact

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fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The Department of Environmental Services states it is unknown whether any hydraulic fracturing for purpose of production or recovery of oil or gas is planned, whether any activity will result in wastewater discharges to any state, county, or local pollution abatement facilities or the volume and characteristics of any wastewater to determine the impact of this bill on state, county and local revenue and expenditures.

The Judicial Council states this bill will have no fiscal impact on the Council. The Council states it has no record of providing representation to an indigent defendant in connection with a criminal proceeding relating to hydraulic fracturing operations. The Council also states historically the indigent defense delivery system has not provided representation to defendants charged with crimes who have allegedly violated some aspect of a law regulating commercial activities.