

HB 609-FN - AS INTRODUCED

2015 SESSION

15-0698
08/10

HOUSE BILL ***609-FN***

AN ACT relative to hydraulic fracturing.

SPONSORS: Rep. Horrigan, Straf 6; Rep. Johnsen, Ches 7

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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1 4 New Subparagraph; Water Discharge. Amend RSA 485-A:13, I(b) by inserting after
2 subparagraph (4) the following new subparagraph:

3 (5) Any sewage or waste into an injection well or into a treatment works in the state.

4 5 Effective Date. This act shall take effect 60 days after its passage.

HB 609-FN FISCAL NOTE

AN ACT relative to hydraulic fracturing.

FISCAL IMPACT:

The Department of Environmental Services states this bill, as introduced, will have an indeterminable fiscal impact on state, county, and local revenue and expenditures in FY 2016 and each year thereafter. The Judicial Branch state this bill may increase state expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on county and local expenditures.

METHODOLOGY:

The Department of Environmental Services this bill would prohibit hydraulic fracturing in New Hampshire, and also ban the disposal of wastewaters generated from hydraulic fracturing regardless of where the hydraulic fracturing actually occurs. This bill would also require the Department to enforce prohibitions on drilling, waste treatment and disposal and mining activities that were enacted to protect the environment. The Department has no information on whether any hydraulic fracturing for purpose of production or recovery of oil or gas is planned in New Hampshire. Additionally, the Department has no information on potential wastewater discharge that might occur by fracturing and if this would discharge to any state, county or local pollution control abatement facilities; the volume and characteristics of any wastewater; or the cost of enforcement of the prohibitions contained in this bill. Because there is no geological evidence that oil or gas deposits are present New Hampshire, any wastewater from fracturing would be imported from another state. With all the unknowns, the fiscal impact of this bill on state, county and local revenue and expenditures is indeterminable.

The Judicial Branch states violations of this bill would be an unspecified misdemeanor if a natural person or a felony if any other person. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the Judicial Branch is able to provide average case costs for each type of case involved. See table below for average cost information:

	FY 2016	FY 2017
<u>Judicial Branch*</u>		

Class B Misdemeanor	\$48	\$51
Class A Misdemeanor	\$69	\$71
Routine Criminal Felony Case	\$438	\$453
Appeals	Varies	Varies
*It should be noted average case cost estimates for FY 2016 and FY 2017 are based on data that is more than nine years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types.		

The Department of Justice states this bill would have no fiscal impact on the Department.

The Judicial Council states this bill will have no fiscal impact on the indigent defense delivery system.

The New Hampshire Association of Counties states this bill will have no impact on county revenue or expenditures.