

HB 1613-FN - AS AMENDED BY THE HOUSE

21Mar2024... 0702h

2024 SESSION

24-2417

08/10

HOUSE BILL

1613-FN

AN ACT establishing a trust fund for money from soil and water environmental contamination court settlements.

SPONSORS: Rep. Meuse, Rock. 37; Rep. McWilliams, Merr. 30; Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12

COMMITTEE: Ways and Means

ANALYSIS

 This bill establishes a trust fund for money from soil and water environmental contamination court settlements.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a trust fund for money from soil and water environmental contamination court settlements.

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

1 1 New Chapter; Soil and Water Contamination Settlement Trust Fund. Amend RSA by
2 inserting after chapter 485-I the following new chapter:

3 CHAPTER 485-J

4 SOIL AND WATER CONTAMINATION SETTLEMENT TRUST FUND

5 485-J:1 Soil and Water Contamination Settlement Trust Fund Established.

6 I. There is hereby established the New Hampshire soil and water contamination settlement
7 trust fund that shall be kept distinct and separate from all other state funds. Any funds or proceeds
8 received by the attorney general on behalf of the state or its citizens as a result of any civil judgment
9 or settlement of a claim, suit, petition, or other action regarding damages from environmental
10 contamination of soil and water shall be deposited into the trust fund. All moneys in the fund shall
11 be nonlapsing and continually appropriated to the department of environmental services for the
12 purposes of this chapter.

13 II. Once the funds have been deposited, the attorney general shall promptly report to the
14 fiscal committee of the general court any money received under this section. All reports under this
15 paragraph shall include, but shall not be limited to:

- 16 (a) The date of the judgment or settlement.
- 17 (b) The reason for the judgment or settlement.
- 18 (c) The purpose for which the judgment or settlement is to be used.
- 19 (d) The amount of the judgment or settlement.
- 20 (e) An accounting of the allocation of each judgment or settlement.

21 III. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund
22 in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund.
23 Money in the fund shall be appropriated by the general court to address expenses and damages
24 related to the specific type of contamination addressed by the settlement, including the remediation
25 of the contamination, testing of soil and water for contamination, health monitoring for individuals
26 at risk for or otherwise impacted by the contamination, and further investigation by the department
27 of environmental services relevant to the specific type of contamination addressed by the settlement.
28 However, if the commissioner of the department of environmental services finds that the specific
29 type of contamination addressed in the settlement has already been remediated and no longer
30 presents a hazard to the environment or to the health of the public, the commissioner may request

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1 the state treasurer to transfer the settlement to one or more dedicated environmental funds under
2 the administration of the department of environmental services.

3 IV. If after a period of 2 years, any funds from a specific settlement which remain in the soil
4 and water contamination trust fund and have not been spent to address eligible expenses and
5 damages, the state treasurer shall transfer any remaining settlement funds to one or more dedicated
6 environmental funds under the administration of the department of environmental services, as
7 directed by the commissioner of the department of environmental services.

8 V.(a) This section shall only apply to environmental contamination settlements received by
9 the attorney general where the disposition of funds has not been previously directed in statute by an
10 act of the legislature. Settlements not included under the scope of this section include, but are not
11 limited to, those eligible to be directed to the solid waste management fund under RSA 149-R and
12 the drinking water and groundwater trust fund under RSA 6-D:1.

13 (b) This section shall not apply to fines received by the attorney general in criminal
14 cases, penalty assessment funds, drug forfeiture funds, fines or civil penalties authorized by state
15 law as a result of enforcement actions taken by state agencies or the attorney general, and money
16 received on behalf of a victim or the state as restitution.

17 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1613-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0702h)

AN ACT establishing a trust fund for money from soil and water environmental contamination court settlements.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Revenue Fund(s)	Settlement revenue deposited into the newly-created special fund, which may previously have gone into the state general fund.			
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source(s)	General Fund			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ Yes
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill establishes the New Hampshire Soil and Water Contamination Settlement Trust Fund. All proceeds received by the attorney general as a result of any civil judgment or settlement of a claim, suit, petition, or other action regarding damages from environmental contamination of soil and water shall be deposited into the fund, but only in instances in which the disposition of funds has not been previously directed in statute or by an act of the legislature. Settlements not included under the scope of the bill include, but are not limited to, those directed to the Solid Waste Management Fund under RSA 149-R and the Drinking Water and Groundwater Trust Fund under RSA 6-D:1. The bill states that money in the fund shall be appropriated by the general court to address expenses and damages related to the specific type of contamination addressed by the settlement, including the remediation of the contamination, testing of soil and water for contamination, health monitoring for individuals at risk for or otherwise impacted by the contamination, and further investigation by the Department of Environmental Services relevant to the specific type of contamination addressed by the settlement. The bill further states that if, after a two year period, any funds from a specific settlement remain in the trust fund and have not been spent to address eligible expenses and damages, the funds remaining from that settlement may be transferred to one or more dedicated environmental funds under

the administration of the Department of Environmental Services, as directed by the Commissioner of the Department of Environmental Services.

The Department of Environmental Services indicates it is unknown if or when this type of settlement might occur and it is not possible to estimate a range of funds received or expended by the State. There would be no impact to county or local revenues and expenditures.

AGENCIES CONTACTED:

Department of Environmental Services