

HB 422-FN - AS INTRODUCED

2025 SESSION

25-0182

08/11

HOUSE BILL            **422-FN**

AN ACT                increasing penalties for violations of the shoreland and water quality protection act.

SPONSORS:            Rep. Rung, Hills. 12; Rep. J. MacDonald, Carr. 6; Rep. Ebel, Merr. 7; Rep. R. Brown, Carr. 3; Rep. N. Murphy, Hills. 12; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21

COMMITTEE:          Resources, Recreation and Development

---

ANALYSIS

This bill increases penalties for violations of the shoreland and water quality protection act.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    increasing penalties for violations of the shoreland and water quality protection act.

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

1            1 Penalties; Shoreland Water Quality Protection Act. Amend RSA 483-B:18, III to read as  
2 follows:

3            III. Persons violating the provisions of this chapter, who fail to restore the site to meet the  
4 applicable standards of this chapter within one year of receiving notification of a violation by the  
5 department, shall be subject to the following:

6            (a) Upon petition of the attorney general or of the municipality in which the violation  
7 occurred, the superior court may levy upon any person violating this chapter a civil penalty in an  
8 amount not to exceed [~~\$5,000~~] **\$15,000** for each continuing violation. The superior court shall have  
9 jurisdiction to restrain a continuing violation of this chapter, and to require remediation.

10           (b) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an  
11 administrative fine of up to [~~\$5,000~~] **\$15,000** for each offense upon any person who violates this  
12 chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of  
13 an administrative fine under this section shall not preclude the imposition of further civil penalties  
14 under this chapter.

15           (c) Notwithstanding the [~~\$5,000~~] **\$15,000** fine limit in subparagraph (b), the  
16 administrative fine for each repeat violation of this chapter may be multiplied by a factor of 2 for  
17 every previous violation committed by the person or entity.

18           2 Effective Date. This act shall take effect January 1, 2026.

**HB 422-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT increasing penalties for violations of the shoreland and water quality protection act.

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

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

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	\$0	\$0	\$0
<b>Local Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Expenditures</b>	\$0	\$0	\$0	\$0

**METHODOLOGY:**

This bill raises the penalties for violations of the Shoreland and Water Quality Protection Act from \$5,000 to \$15,000.

The Department of Environmental Services indicates that it is currently impossible to predict the number of potential violations and, consequently, the increase in revenue to the state and municipalities from these civil penalties and administrative fines.

This bill could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

## NH Judicial Branch Average Civil Case Estimates

<b>Judicial Branch Average Cost</b>	<b>FY 2025</b>	<b>FY 2026</b>
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

### Common Civil Case Fees

<b>Superior Court Fees</b>	<b>As of 2/12/2020</b>
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

### 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