

Senate Energy and Natural Resources Committee

Max Taylor 271-1403

HB 179-FN, relative to hazardous waste accident fees.

Hearing Date: March 18, 2025

Time Opened: 11:02 a.m.

Time Closed: 11:22 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill changes the fee for nonpayment of hazardous materials or waste accident expenses to \$1,000 per day after 90 days of nonpayment.

Sponsors:
Rep. Proulx

Who supports the bill: Representative Peter Bixby (Strafford County District 13)

Who opposes the bill: DJ Burke (BIA), Lindsay Nadeau (American Property Casualty Insurance Association), Cam Lapine (NH Association of Domestic Insurance)

Who is neutral on the bill: None.

Summary of testimony presented in support:

**Representative Peter Bixby
Strafford County District 13**

- Representative Bixby introduced HB 179-FN, which would update state law to improve how fire departments are reimbursed when their equipment is damaged while responding to hazardous material spills.
- He explained that under current law, if a company responsible for a toxic spill does not pay for damages, they can be fined \$1,000 one time even if the damage costs tens or hundreds of thousands of dollars.
- He noted that most responsible parties pay, some do not and the low penalty offers little incentive to comply.
- Representative Bixby explained the bill would change the one-time \$1,000 fine to a daily \$1,000 penalty after a 90-day grace period, with a cap so the penalty can't exceed the cost of the damage.

- He stated the bill would allow for a payment plan between the party responsible and the fire department. As long as payments are made on schedule, no additional penalties would apply.
- Senator Pearl asked for clarification that the penalty does not replace the restitution but is added on top of it, and whether that could result in paying double the cost if someone delays too long.
 - Representative Bixby confirmed that the penalty is separate and does not offset restitution. However, if someone does not pay, they could end up owing double the original cost.
- Senator Pearl asked where the penalty money would go.
 - Representative Bixby explained the law clearly says restitution goes to the fire department, but it is unclear where the penalty money goes. He added that if the committee wants to clarify that, he has no objection to a small amendment.
- Senator Rosenwald highlighted the bill title refers to a fee, but there's no fee in the actual bill, only a penalty. She asked if the original bill included a fee.
 - Representative Bixby stated the word "fee" was likely an error by either the prime sponsor or OLS. He explained the law has always referred to it as a penalty, and that language remains unchanged in the updated version.

Summary of testimony presented in opposition: None.

Neutral Information Presented: None.

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Date Hearing Report completed: March 21, 2025