

CHAPTER 209
SB 132-FN - FINAL VERSION

06/11/2015 2158EBA

2015 SESSION

15-0950
06/09

SENATE BILL ***132-FN***

AN ACT relative to dredging projects conducted by the Pease development authority division of ports and harbors.

SPONSORS: Sen. Bradley, Dist 3; Sen. Fuller Clark, Dist 21; Sen. Stiles, Dist 24

COMMITTEE: Transportation

ANALYSIS

This bill authorizes the Pease development authority, division of ports and harbors to enter into project partnership agreements for dredging with the Department of the Army.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to dredging projects conducted by the Pease development authority
division of ports and harbors.

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

1 209:1 New Paragraph; Pease Development Authority; Division of Ports and Harbors; Additional
2 Powers and Duties. Amend RSA 12-G:42 by inserting after paragraph XV the following new
3 paragraph:

4 XVI. Be authorized to enter into project partnership agreements for navigation improvement
5 and maintenance dredging with the Department of the Army in connection with the ports and state
6 tidal waters under the jurisdiction of the authority and authorized under RSA 12-G:45, including
7 projects to procure, accept, or acquire gifts, loans, or grants from the United States of America or its
8 agencies or departments. Incident to the execution of such agreements and the acceptance of federal
9 aid, the authority may take all actions required of the authority under the agreement, including, but
10 not limited to:

11 (a) Executing an indemnification agreement in the name of the authority and the state
12 with and for the benefit of the United States for damage arising from the design, construction, or
13 operation and maintenance of the project and any betterments of the local service facilities;

14 (b) Accepting, as between the U.S. Army Corps of Engineers and the authority, the
15 obligations imposed on an operator of the project under the federal Comprehensive Environmental
16 Response Compensation and Liability Act (CERCLA) of 1980, 42 U.S.C. section 9601, et seq., as
17 amended;

18 (c) Providing or acquiring all lands, easements, rights of way, and suitable borrow and
19 dredged or excavated material disposal areas that the Department of the Army determines the
20 authority must provide for the construction, operation, maintenance, repair, replacement,
21 rehabilitation, monitoring and management of the project; and

22 (d) Bearing half the costs for services provided in connection with non-binding
23 alternative dispute resolution as may be necessary under the agreement.

24 209:2 Effective Date. This act shall take effect 60 days after its passage.

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26 Approved: July 6, 2015

27 Effective Date: September 4, 2015