

LEGISLATIVE COMMITTEE MINUTES

SB278

Bill as Introduced

SB 278-FN - AS INTRODUCED

2022 SESSION

22-2991
08/05

SENATE BILL **278-FN**

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24

COMMITTEE: Finance

ANALYSIS

This bill appropriates money to the Piscataqua River turning basin project in the port authority.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

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

- 1 1 Appropriation; Piscataqua River Turning Basin Project. For the purpose of completing the
- 2 Piscataqua River turning basin project, there is hereby appropriated the sum of \$251,143, for the
- 3 biennium ending June 30, 2023, to the port authority. The governor is authorized to draw a warrant
- 4 for said sum out of any money in the treasury not otherwise appropriated.
- 5 2 Effective Date. This act shall take effect July 1, 2022.

LBA
22-2991
11/23/21

**SB 278-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to funding for the port authority project in Rye Harbor.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$251,143	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$251,143	\$0	\$0
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill appropriates \$251,143 from the state general fund to Pease Development Authority Division of Ports and Harbors for the purpose of completing the Piscataqua River turning basin project. The charge to the general fund would occur in FY 2023, and it is assumed expenditure of said appropriation will also occur in FY 2023.

AGENCIES CONTACTED:

None

SB 278-FN - AS AMENDED BY THE SENATE

02/03/2022 0169s

2022 SESSION

22-2991

08/05

SENATE BILL **278-FN**

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24

COMMITTEE: Finance

ANALYSIS

This bill appropriates money to the Piscataqua River turning basin project in the port authority.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

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

- 1 1 Piscataqua River Turning Basin; Appropriation. Amend 2021, 107:14, II to read as follows:
- 2 II. The sum of [~~\$1,500,000~~] **\$1,751,143** is hereby appropriated for the biennium ending June
- 3 30, 2023 to the Pease development authority for the Piscataqua River Turning Basin. *Of the*
- 4 *amount appropriated, \$251,143 shall be a charge against the United States Army Corps of*
- 5 *Engineering refund back to the state for the Rye Harbor Dredging Project per 2019, 146:1,*
- 6 *XIII, B.*
- 7 2 Effective Date. This act shall take effect upon its passage.

LBA
22-2991
Amended 3/8/22

SB 278-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0169s)

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill increases a previously approved capital budget appropriation by \$251,143 relative to the Piscataqua River Turning Basin, which shall be a charge against a United States Army Corps of Engineering refund back to the state. This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

None

LBA
22-2991
Amended 3/8/22

**SB 278-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-0169s)**

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill increases a previously approved capital budget appropriation by \$251,143 relative to the Piscataqua River Turning Basin, which shall be a charge against a United States Army Corps of Engineering refund back to the state. This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

None

CHAPTER 157
SB 278-FN - FINAL VERSION

02/03/2022 0169s
05/12/2022 1986EBA

2022 SESSION

22-2991
08/05

SENATE BILL **278-FN**

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority in the Pease development authority.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24

COMMITTEE: Finance

ANALYSIS

This bill appropriates money to the Piscataqua River turning basin project in the port authority.

Explanation: Matter added to current law appears in ***bold italics***.
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CHAPTER 157
SB 278-FN - FINAL VERSION

02/03/2022 0169s
05/12/2022 1986EBA

22-2991
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority in the Pease development authority.

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

1 157:1 Piscataqua River Turning Basin; Appropriation. Amend 2021, 107:14, II to read as
2 follows:

3 II. The sum of [~~\$1,500,000~~] **\$1,751,143** is hereby appropriated for the biennium ending June
4 30, 2023 to the Pease development authority for the Piscataqua River Turning Basin. *Of the*
5 *amount appropriated, \$251,143 shall be a charge against the United States Army Corps of*
6 *Engineering refund back to the state for the Rye Harbor Dredging Project per 2019, 146:1,*
7 *XIII, B.*

8 157:2 Effective Date. This act shall take effect upon its passage.

Approved: June 07, 2022
Effective Date: June 07, 2022

Amendments

Senate Finance
January 19, 2022
2022-0169s
08/05

Amendment to SB 278-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Piscataqua River Turning Basin; Appropriation. Amend 2021, 107:14, II to read as follows:

4 II. The sum of [~~\$1,500,000~~] ***\$1,751,143*** is hereby appropriated for the biennium ending June
5 30, 2023 to the Pease development authority for the Piscataqua River Turning Basin. ***Of the***
6 ***amount appropriated, \$251,143 shall be a charge against the United States Army Corps of***
7 ***Engineering refund back to the state for the Rye Harbor Dredging Project per 2019, 146:1,***
8 ***XIII, B.***

9 2 Effective Date. This act shall take effect upon its passage.

Committee Minutes

ATTENDANCE

SENATE CALENDAR NOTICE
Finance

- ✓ Sen Gary Daniels, Chair
- ✓ Sen John Reagan, Vice Chair
- ✓ Sen Bob Giuda, Member
- ✓ Sen Erin Hennessey, Member
- ✓ Sen Chuck Morse, Member
- ✓ Sen Lou D'Allesandro, Member
- ✓ Sen Cindy Rosenwald, Member

START: 2:42 pm (13)
STOP: 2:55 pm

Date: December 20, 2021

HEARINGS

Tuesday		01/18/2022	
(Day)		(Date)	
Finance		State House 103	1:00 p.m.
(Name of Committee)		(Place)	(Time)
1:00 p.m.	SB 371-FN-A	making an appropriation to the lead paint hazard remediation fund.	
1:10 p.m.	SB 272	establishing a committee to study the oversight and operation of the public deposit investment pool.	
1:20 p.m.	SB 274	relative to governmental construction contracts.	
1:30 p.m.	SB 278-FN	relative to funding for the Piscataqua River turning basin project in the port authority project.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 371-FN-A

Sen. Rosenwald
Rep. Stapleton
Rep. Nordgren

Sen. Hennessey
Rep. Wilhelm

Sen. D'Allesandro
Rep. Espitia

Sen. Avard
Rep. Amanda Bouldin

SB 272

Sen. Rosenwald
Rep. Abrami

Sen. Cavanaugh
Rep. Almy

Sen. Perkins Kwoka
Rep. Hunt

Sen. Soucy

SB 274

Sen. Bradley
Rep. McGuire

Rep. Infantine

Rep. Seaworth

Rep. Turcotte

SB 278-FN

Sen. Perkins Kwoka

Sen. Watters

Sen. Sherman

Deb Martone 271-4980

Gary L. Daniels
Chairman

Senate Finance Committee

Deb Martone 271-4980

SB 278-FN, relative to funding for the Piscataqua River turning basin project in the port authority project.

Hearing Date: January 18, 2022

Time Opened: 2:42 p.m.

Time Closed: 2:55 p.m.

Members of the Committee Present: Senators Daniels, Reagan, Giuda, Hennessey, Morse, D'Allesandro and Rosenwald

Bill Analysis: This bill appropriates money to the Piscataqua River turning basin project in the port authority.

Sponsors:

Sen. Perkins Kwoka

Sen. Watters

Sen. Sherman

Who supports the bill: Senators Rebecca Perkins Kwoka, Tom Sherman and David Watters.

Summary of testimony presented in support:

Senator Sherman, Cosponsor (Reading into the record Senator Perkins Kwoka's Introduction to SB 278-FN:

- This bill is a request from Geno Marconi, Port Director of the New Hampshire Port Authority.
- In the 2019 budget package a sum of money was assigned to the Port Authority project in Rye Harbor Those funds were refunded by the contractor. Through this legislation those funds will be made available to the Piscataqua River Turning Basin Widening Project.
- The Piscataqua River turning basin has been an issue for years. With the size of the turning basin it is no longer sufficient for modern vessels. Widening the turning basin with these additional funds will be a boon to the Seacoast economically, making the area more efficient and much safer.
- In the 2021 budget package \$1.5 million was appropriated to the Turning Basin Project. SB 278-FN is taking the remaining \$251,143 from the 2019 Rye Harbor Project and adding it to the total for the Turning Basin Project.
- Although the language of the bill is not clear in this respect at first glance, this bill is not drawing from new funds but reallocating funds from the 2019 budget cycle that were reabsorbed by the General Fund because no non-lapsing language was used at the time.
- Senator Sherman expressed his support, as well, for this bill. He and Senators Perkins Kwoka and Watters all took a tour of the turning basin. To stay

competitive with neighboring ports in Massachusetts and Maine, this is a vital project. The turning basin allows those long ships to come all the way up the river, with several areas for docking and unloading, but they have to turn and go back out.

- This will allow the larger vessels that we currently can't accommodate in New Hampshire to actually have a port in New Hampshire where they can offload.
- Senator D'Allesandro sought confirmation that the project needs to be done now, as the Coast Guard has it on their priority list. If you lose your spot on the priority list, you lose the ability to do this project. The money is available; it was not spent on the previous project but returned. There is no cost; that money is still available. There is no negative effect on the budget. Senator Sherman agreed. Senator D'Allesandro added if we lose our spot on the list, we hurt the economy of the state, as the turning mechanism is vital to the economic viability of the port. Mr. Marconi does a great job ensuring the Port runs well, efficiently and effectively. Senator Sherman reminded committee members of similar timing issues they had run into with both the Hampton/Seabrook Harbor dredging, and the Rye Harbor dredging. The commercial pier in Portsmouth was a bit of a surprise because that started to collapse, including the gas docks. We all understand the timing issues here, especially with the state/federal partnership. Without the project being done now, we risk losing our place. And when you lose your place, it is for a long time.
- Senator Giuda inquired if there was a federal funding component associated with the project. Senator Sherman stated there was, along with a federal timing component.
- Senator Morse questioned the \$251,143 we are reappropriating. "Is that a Capital Budget project that didn't spend all of the money?" Senator Sherman believes it was. Senator Morse pointed out this bill would have been sent to the Capital Budget Committee if that fact had been recognized. The reallocation of funds should be reviewed by that committee. Senator Hennessey wondered why this issue was not addressed in the Capital Budget we just passed. Senator D'Allesandro indicated knowledge of this situation was unknown at that time. The project was done for less money and they turned the money back later after the Capital Budget was developed. It was a timing situation, thought Senator D'Allesandro. Senator Sherman agreed with Senator D'Allesandro. Senator Daniels added this was left over from the previous project because that project was closed. There was no way to be able to transfer the money over to this project. This legislation is really the only way. It goes back into the General Fund and then appropriated to this project. It is a net zero sum. Senator Morse truly believes if this was a Capital Budget item and there was a shortfall, it wouldn't go to the General Fund. It would have been a bonding shortfall that the Capital Budget Committee often goes through and scores and later reallocates the money. We need to check with the Capital Budget Committee. Senator Morse does not think this is touching the General Fund.
- Chris Shea, Deputy Legislative Budget Assistant, attempted to clarify the issue. There was a dredge project for Rye that completed in the Capital Budget for 2017. There was no lapse extension requested in the current Capital Budget, so

that ended in FY 2021. The money is a state match that goes to the Army Corp of Engineers. Once the project was completed, the Army Corp of Engineers came back to the Port Authority and said they had recalculated what was needed and had actually overbilled the state by \$251,000. That money went back to the Port Authority. Mr. Marconi approached the Capital Budget Overview Committee to see if there was a way to move that money to the Turning Basin Project. There was no way because the Capital Budget project that was associated with that money had been closed. It was suggested Mr. Marconi find a sponsor of legislation to appropriate that money directly for the Turning Basin Project. Supposedly, Mr. Marconi was directed to deposit the money back to the state; Mr. Shea is unsure if same has actually occurred. He believes that check has been deposited into the General Fund. Senator Morse asked if this now was a General Fund expenditure and not a transfer. Mr. Shea stated it was. Essentially, the \$251,000 was deposited into the General Fund. They are asking that money be reappropriated to this project. Senator Morse stated that would have been calculated into the lapse. Mr. Shea indicated that would depend upon when the deposit was made. It would not necessarily show up in the 2021 CAFR as of yet. He is unsure if the Port Authority has provided it back to the state. It may potentially show up in the 2022 lapse.

dm

Date Hearing Report completed: January 21, 2022

Speakers

Senate Remote Testify

Finance Committee Testify List for Bill ~~SB278~~ on 2022-01-18

~~Support: 1 Oppose: 0~~

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
✓ Watters, Senator David	An Elected Official	Myself	Support

Voting Sheets

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB278-FN

Hearing date: 01/18/22

Executive session date: 01/25/22

① Motion of: Amend #0169s

VOTE: 6-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

② Motion of: OTPA

VOTE: 6-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, January 26, 2022

THE COMMITTEE ON Finance

to which was referred SB 278-FN

AN ACT relative to funding for the Piscataqua River turning
 basin project in the port authority project.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 6-0

AMENDMENT # 0169s

Senator Lou D'Allesandro
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of SB278

Docket Abbreviations

Bill Title: (New Title) relative to funding for the Piscataqua River turning basin project in the port authority in the Pease development authority.

Official Docket of SB278.:

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Finance; SJ 1
12/20/2021	S	Hearing: 01/18/2022, Room 103, SH, 01:30 pm; SC 50
1/26/2022	S	Committee Report: Ought to Pass with Amendment #2022-0169s , 02/03/2022; SC 5
2/3/2022	S	Committee Amendment #2022-0169s , AA, VV; 02/03/2022; SJ 2
2/3/2022	S	Ought to Pass with Amendment 2022-0169s, MA, VV; OT3rdg; 02/03/2022; SJ 2
3/23/2022	H	Introduced 03/17/2022 and referred to Public Works and Highways
3/28/2022	H	Public Hearing: 04/06/2022 10:30 am LOB 201-203
4/7/2022	H	Executive Session: 04/06/2022 10:00 am LOB 201-203
4/8/2022	H	Committee Report: Ought to Pass (Vote 21-0; RC) HC 15 P. 19
4/21/2022	H	Ought to Pass: MA VV 04/21/2022 HJ 10
5/11/2022	H	Enrolled Bill Amendment #2022-1986EBA : AA VV (in recess of) 05/05/2022 HJ 12
5/16/2022	S	Enrolled Bill Amendment #2022-1986e Adopted, VV, (In recess of) 05/12/2022); SJ 13
5/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
5/27/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/8/2022	S	Signed by the Governor on 06/07/2022; Chapter 0157; Effective 06/07/2022

NH House

NH Senate

Other Referrals

May 10, 2022
2022-1986-EBA
04/10

Enrolled Bill Amendment to SB 278-FN

The Committee on Enrolled Bills to which was referred SB 278-FN

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority project.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 278-FN

This enrolled bill amendment corrects the title of the bill.

Enrolled Bill Amendment to SB 278-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to funding for the Piscataqua River turning basin project in the port authority in the Pease development authority.

Senate Inventory Checklist for Archives

Bill Number: SB 278-FN

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 01695 ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s) 1986

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martore
Committee Aide

06/23/22
Date

Senate Clerk's Office _____