

CHAPTER 273
SB 247-LOCAL – FINAL VERSION

02/15/12 0675s
25Apr2012... 1632h
06/06/12 2399CofC
06/06/12 2511EBA

2012 SESSION

12-2924
06/09

SENATE BILL ***247-LOCAL***

AN ACT relative to certifying municipal culvert installers.

SPONSORS: Sen. Forrester, Dist 2; Sen. Gallus, Dist 1; Sen. Merrill, Dist 21; Sen. Sanborn,
Dist 7; Rep. Chandler, Carr 1; Rep. Greemore, Belk 3; Rep. Worsman, Belk 3

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill authorizes the department of environmental services to develop a certification program for municipal culvert installers.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to certifying municipal culvert installers.

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

1 273:1 Excavating and Dredging Permit. Amend RSA 482-A:3, XVI(a) to read as follows:

2 XVI.(a) ***Except as provided in paragraph XVII***, any person or political subdivision that
3 repairs or replaces culverts or stream crossing structures in accordance with the best management
4 practices for routine roadway maintenance in New Hampshire published by the department of
5 transportation, including culverts up to and including 48 inches in diameter or the functional
6 hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the
7 permitting requirements of this section for minimum impact activities, as defined by rules adopted
8 by the commissioner.

9 273:2 New Paragraphs; Excavating and Dredging Permit; Certified Individuals. Amend RSA
10 482-A:3 by inserting after paragraph XVI the following new paragraphs:

11 XVII. State and municipal public works employees who have fulfilled the requirements of a
12 certification program developed by the department may maintain, repair, replace, or modify culverts
13 up to a maximum diameter of 48 inches, or the hydraulic equivalent, as long as the structure can
14 pass flows from the contributing watershed without causing damage to upstream or downstream
15 properties, and in accordance with best management practices to protect water quality, without prior
16 notification to the department.

17 XVIII. The department shall develop an installer's certification program, in accordance with
18 paragraph XVII, and shall determine the educational requirements for certification, including
19 continuing education requirements. Professional engineers who are duly licensed by the
20 New Hampshire board of professional engineers are exempt from the program requirements of this
21 section. All certified individuals who perform such work shall submit a quarterly report to the
22 department fully identifying work that they performed during each quarter and documentation of
23 continuing education requirements.

24 XIX. The department shall issue an installer's permit to any individual who submits an
25 application provided by the department, and has satisfactorily completed the program in accordance
26 with paragraphs XVII and XVIII. Permits shall be issued from January 1 and shall expire December
27 31 of every other year. Permits shall be renewable upon proper application, and documentation of

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1 compliance with the continuing education requirement of paragraph XVIII. The installer's permit
2 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the
3 installation of culverts in violation of this chapter or the refusal by a permit holder to correct
4 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for
5 just cause until the permit holder has had an opportunity to be heard by the department. An appeal
6 from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-0:14.

7 273:3 New Paragraph; Rulemaking. Amend RSA 482-A:31 by inserting after paragraph IV the
8 following new paragraph:

9 V. The certification program for municipal culvert installers under RSA 482-A:3, XVIII.

10 273:4 Effective Date. This act shall take effect upon its passage.

11

12 Approved: June 19, 2012

13 Effective Date: June 19, 2012