

# Bill as Introduced

HB 1676-FN - AS INTRODUCED

2010 SESSION

10-2275

08/03

HOUSE BILL            **1676-FN**

AN ACT                requiring certification of road salt applicators.

SPONSORS:            Rep. Crisler, Rock 4

COMMITTEE:          Resources, Recreation and Development

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ANALYSIS

This bill requires the certification of commercial road salt applicators.

This bill also limits the liability of landowners who employ winter maintenance best practices.

This bill is a request of the department of environmental services.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



- 1 (a) The full name and address of the person applying for the certification.
- 2 (b) The name and address of a person whose domicile is in the state, and who is
- 3 authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.
- 4 (c) The type of apparatus used to apply salt or salt alternative whether liquid or dry.
- 5 (d) Any other information deemed necessary by the department.

6 II. Fees collected from applicants for certification as commercial applicators under this  
7 chapter shall be deposited in the salt application fund.

8 III. There is hereby established the salt application fund. This nonlapsing, revolving fund  
9 shall be used to carry out the implementation of the certification of road salt applicators as specified  
10 by this chapter. Certification fees collected by the department shall be deposited with the state  
11 treasurer to the credit of said fund and may be invested as provided by law. Interest received on  
12 such investment shall also be credited to the fund.

13 489:5 Prohibited Acts. It shall be unlawful for any commercial applicator to apply salt to any  
14 paved surface without holding a valid and current applicator certificate.

15 489:6 Administration and Enforcement.

16 I. The commissioner shall arrange for the administration and enforcement of the provisions  
17 of this chapter and the administrative rules of the department.

18 II. The department may issue an order to any person in violation of any provision of this  
19 chapter, a permit or certificate of registration issued under this chapter, or a rule adopted under this  
20 chapter, to cease and desist from any act in violation of such provision, certification, or rule. Orders  
21 of the department under this section shall be effective immediately.

22 III. The commissioner, after notice and hearing pursuant to RSA 541-A, shall impose an  
23 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.  
24 Rehearings and appeals relating to such fines shall be governed by RSA 541.

25 2 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners.  
26 Amend RSA 508 by inserting after section 21 the following new section:

27 508:22 New Section; Liability Limited; Winter Maintenance.

28 I. No owner, occupant, or lessee of land shall be liable for damages arising from  
29 insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even  
30 with actual notice thereof, when such hazards are caused solely by snow or ice, and the owner,  
31 occupant or lessee's failure or delay in removing or mitigating such hazards is the result of its  
32 implementation, absent gross negligence or reckless disregard of the hazard, of best management  
33 practices for winter road and parking lot maintenance recommended by the department of  
34 transportation and the department of environmental services. All owners, occupants, or lessees who  
35 adopt best management practices for winter maintenance recommended by the department of  
36 transportation and the department of environmental services shall be presumed to be acting  
37 pursuant to the best management practices in the absence of proof to the contrary.

1           II. In order to receive the liability protection provided in paragraph I, an owner, occupant, or  
2 lessee of land shall keep a written record describing its winter road, parking lot, and property  
3 maintenance practices. The written record shall include the type and rate of application of de-icing  
4 materials used, the dates of treatment, and the weather conditions for each event requiring de-icing.  
5 Such records shall be kept for a period of 3 years.

6           3 New Subparagraph; Salt Application Fund. Amend RSA 6:12, I(b) by inserting after  
7 subparagraph (299) the following new subparagraph:

8                       (300) Moneys deposited in the salt application fund under RSA 489:4.

9           4 Effective Date. This act shall take effect July 1, 2010.

**LBAO**  
**10-2275**  
**12/18/09**

**HB 1676-FN - FISCAL NOTE**

**AN ACT** requiring certification of road salt applicators.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Transportation. When completed, the fiscal note will be forwarded to the House Clerk's Office.

**HB 1676 FISCAL NOTE**

AN ACT requiring certification of road salt applicators.

**FISCAL IMPACT:**

The Department of Environmental Services states this bill will increase state restricted expenditures by \$60,380 in FY 2011, \$94,955 in FY 2012, \$99,030 in FY 2013 and \$103,371 in FY 2014 and increase state restricted revenue by \$110,000 in FY 2012 and each year thereafter. The Department of Transportation states this bill will increase state expenditures and revenue by an indeterminable amount in FY 2011 and each year thereafter. There is no fiscal impact on county and local expenditures and revenue.

**METHODOLOGY:**

The Department of Environmental Services states this bill will require certification of road salt applicators. The Department states it will need to hire one full-time staff person (environmentalist IV, LG 27) and an intern to implement the certification program. The intern would be at a LG 8 and hired for approximately 10 weeks each year. The Department assumes it will not hire staff until six months after bill takes effect and the revenue from fees will not start until FY 2012. The start-up costs and ongoing supervisory costs are assumed to be absorbed by the Department. The following are the costs for the two positions

	FY 2011	FY 2012	FY 2013	FY 2014
Environmentalist IV (LG 27)	\$24,385	\$49,843	\$52,027	\$54,318
Intern (LG 8, 10 weeks)	3,889	3,889	3,889	3,889
Benefits	19,506	25,623	27,514	29,564
Current Expenses	5,000	10,000	10,000	10,000
Equipment	3,000	0	0	0
Office Space	3,600	3,600	3,600	3,600
Travel	1,000	2,000	2,000	2,000
<b>Total</b>	<b>\$60,380</b>	<b>\$94,955</b>	<b>\$99,030</b>	<b>\$103,371</b>

The Department assumes the fee for the certification will be at \$100. The Department estimates there are 220 snow removal companies with an average of 5 operators per company.

Starting in FY 2012, revenue would be \$110,000 (220 companies \* 5 operators \* \$100 certification fee). All revenue collected would be deposited into a newly created salt application fund and used for the salt certification program.

The Department of Transportation states it is not able to determine the fiscal impact of this bill. Revenue can not be estimated as the fees have not been established. The Department states it would also have indeterminable costs associated with the development of the best management practices document. Until the task for developing the best management practices document is better defined through the rule making process, the Department is unable to provide an estimate of the costs.

This bill does not contain an appropriation or authorization for additional positions.



# Amendments

Amendment to HB 1676-FN

1 Amend the bill by replacing sections 1-2 with the following:

2

3 1 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 488 the  
4 following new chapter:

5

CHAPTER 489

6

SALT APPLICATION CONTROLS

7

489:1 Definitions. In this chapter:

8

9 I. "Commercial applicator" means any individual who uses or supervises the use of salt or  
10 salt alternative other than a municipal, state, or private applicator as defined in paragraph IV of  
11 this section. Individuals who use or supervise the use of salt or salt alternative as contractors on  
12 behalf of a municipality or the state shall be considered commercial applicant."

13

14 II. "Commissioner" means the commissioner of environmental services.

15

16 III. "Department" means the department of environmental services.

17

18 IV. "Private applicator" means an individual who uses or supervises the use of salt or salt  
19 alternative for the purpose of winter roadway, parking lot, or sidewalk maintenance on property  
20 owned or rented by the individual or his or her employer.

21

22 V. "Salt" means any substance containing chloride that is applied to the ground or to a  
23 paved surface for the purpose of winter maintenance of roadways, parking lots, or sidewalks,  
24 including sodium chloride, calcium chloride, magnesium chloride, or any other substance containing  
25 chloride.

26

27 VI. "Salt alternative" means any substance not containing chloride used for the purpose of  
28 de-icing or anti-icing paved surfaces for the purpose of winter maintenance of roadways, parking  
29 lots, or sidewalks.

30

31 489:2 Certification Required. Commercial applicators shall be annually certified by the  
32 department prior to application of salt or salt alternative to any surface. Annual certificates shall be  
issued and fees shall be collected by the department. Firms with multiple commercial applicators  
shall have the option to obtain a master certificate for the owner or chief operator with all  
commercial applicators employed by the firm obtaining certificates to qualify under the master  
certificate. The holder of the master certificate shall ensure that all commercial applicators  
operating under his or her master certificate receive the required training and shall provide the  
required record keeping on behalf of all commercial applicators operating under his or her master  
certificate. Annual fees for certificates obtained under a master certificate shall be significantly less

1 than the fees for a master certificate.

2 489:3 Authority. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

3 I. Policies and goals relative to the use of salt or salt alternative for winter maintenance of  
4 roads, parking lots, and sidewalks.

5 II. Receiving and allocating federal grants and other funds or gifts for the purpose of  
6 carrying out any of the functions of this chapter.

7 III. The types and frequency of training programs required for certification.

8 IV. Procedures for commercial applicators to obtain certification.

9 V. Setting and collecting fees to cover the cost of program implementation.

10 VI. Recordkeeping required for commercial applicators to maintain certification.

11 489:4 Application for Certification.

12 I. Applications for certification shall be on a form prescribed by the department and shall  
13 include the following:

14 (a) The full name and address of the person applying for the certification.

15 (b) The name and address of a person whose domicile is in the state, and who is  
16 authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.

17 (c) The type of apparatus used to apply salt or salt alternative whether liquid or dry.

18 (d) Any other information deemed necessary by the department.

19 II. Fees collected from applicants for certification as commercial applicators under this  
20 chapter shall be deposited in the salt application fund.

21 III. There is hereby established the salt application fund. This nonlapsing, revolving fund  
22 shall be used to carry out the implementation of the certification of road salt applicators as specified  
23 by this chapter. Certification fees collected by the department shall be deposited with the state  
24 treasurer to the credit of said fund and may be invested as provided by law. Interest received on  
25 such investment shall also be credited to the fund.

26 489:5 Prohibited Acts. It shall be unlawful for any commercial applicator to apply salt or salt  
27 alternative to any paved surface without holding a valid and current applicator certificate.

28 489:6 Administration and Enforcement.

29 I. The commissioner shall arrange for the administration and enforcement of the provisions  
30 of this chapter and the administrative rules of the department.

31 II. The department may issue an order to any person in violation of any provision of this  
32 chapter, a permit or certificate of registration issued under this chapter, or a rule adopted under this  
33 chapter, to cease and desist from any act in violation of such provision, certification, or rule. Orders  
34 of the department under this section shall be effective immediately.

35 III. The commissioner, after notice and hearing pursuant to RSA 541-A, shall impose an  
36 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.  
37 Rehearings and appeals relating to such fines shall be governed by RSA 541.



1           2 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners.

2 Amend RSA 508 by inserting after section 21 the following new section:

3           508:22 New Section; Liability Limited; Winter Maintenance.

4           I. No commercial applicator, owner, occupant, or lessee of land shall be liable for damages  
5 arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by  
6 them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the  
7 commercial applicator or owner, occupant or lessee's failure or delay in removing or mitigating such  
8 hazards is the result of its implementation, absent gross negligence or reckless disregard of the  
9 hazard, of best management practices for winter road and parking lot maintenance recommended by  
10 the department of transportation and the department of environmental services. All commercial  
11 applicators or owners, occupants, or lessees who adopt best management practices for winter  
12 maintenance recommended by the department of transportation and the department of  
13 environmental services shall be presumed to be acting pursuant to the best management practices in  
14 the absence of proof to the contrary.

15           II. In order to receive the liability protection provided in paragraph I, a commercial  
16 applicator, owner, occupant, or lessee of land shall keep a written record describing its winter road,  
17 parking lot, and property maintenance practices. The written record shall include the type and rate  
18 of application of de-icing materials used, the dates of treatment, and the weather conditions for each  
19 event requiring de-icing. Such records shall be kept for a period of 3 years.

Rep. Thomas, Coos 4  
Rep. Moody, Rock. 12  
February 2, 2010  
2010-0416h  
08/03

Amendment to HB 1676-FN

1 Amend the bill by replacing sections 1-2 with the following:

2  
3 1 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 488 the  
4 following new chapter:

5 CHAPTER 489

6 SALT APPLICATION CONTROLS

7 489:1 Definitions. In this chapter:

8 I. "Apply salt" means to apply salt or a salt alternative to any paved surface, such as  
9 roadways, parking lots, or sidewalks, for the purpose of winter maintenance.

10 II. "Commercial applicator" means any individual who applies or supervises others who  
11 apply salt but shall not include a private applicator as defined in paragraph V of this section or any  
12 municipal or state employees.

13 III. "Commissioner" means the commissioner of environmental services.

14 IV. "Department" means the department of environmental services.

15 V. "Private applicator" means an individual who applies or supervises others who apply salt  
16 on property owned or rented by the individual or his or her employer.

17 VI. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other  
18 substance containing chloride.

19 VII. "Salt alternative" means any substance not containing chloride used for the purpose of  
20 de-icing or anti-icing paved surfaces.

21 489:2 Certification Required. Commercial applicators shall be annually certified by the  
22 department. Applicator certificates shall be issued and fees shall be collected by the department.  
23 Businesses with multiple commercial applicators shall have the option to obtain a master certificate  
24 for the owner or chief supervisor with all commercial applicators employed by the business obtaining  
25 certificates to qualify under the master certificate. The holder of the master certificate shall ensure  
26 that all commercial applicators operating under his or her master certificate receive the required  
27 training and shall provide the required record keeping on behalf of all commercial applicators  
28 operating under his or her master certificate. Annual fees for certificates obtained under a master  
29 certificate shall be significantly less than the fees for a master certificate.

30 489:3 Authority. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

31 I. Policies and goals relative to applying salt.



1 II. Receiving and allocating federal grants and other funds or gifts for the purpose of  
2 carrying out any of the functions of this chapter.

3 III. The types and frequency of training programs required for certification.

4 IV. Procedures for commercial applicators to obtain certification.

5 V. Setting and collecting fees to cover the cost of program implementation.

6 VI. Recordkeeping required for commercial applicators to maintain certification.

7 VII. Exemptions from the certification requirements of this chapter for individuals who  
8 apply salt in de minimis amounts.

9 489:4 Application for Certification.

10 I. Applications for certification shall be on a form prescribed by the department and shall  
11 include the following:

12 (a) The full name and address of the person applying for the certification.

13 (b) The name and address of a person whose domicile is in the state, and who is  
14 authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.

15 (c) The type of apparatus used to apply salt whether liquid or dry.

16 (d) Any other information deemed necessary by the department.

17 II. Fees collected from applicants for certification as commercial applicators under this  
18 chapter shall be deposited in the salt application fund.

19 III. There is hereby established the salt application fund. This nonlapsing, revolving fund  
20 shall be used to carry out the implementation of the certification of commercial applicators as  
21 specified by this chapter. Certification fees collected by the department shall be deposited with the  
22 state treasurer to the credit of said fund and may be invested as provided by law. Interest received  
23 on such investment shall also be credited to the fund.

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25 holding a valid and current applicator certificate.

26 489:6 Administration and Enforcement.

27 I. The commissioner shall arrange for the administration and enforcement of the provisions  
28 of this chapter and the administrative rules of the department.

29 II. The department may issue an order to any person in violation of any provision of this  
30 chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to  
31 cease and desist from any act in violation of such provision, certification, or rule. Orders of the  
32 department under this section shall be effective immediately.

33 III. The commissioner, after notice and hearing pursuant to RSA 541-A, shall impose an  
34 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.  
35 Rehearings and appeals relating to such fines shall be governed by RSA 541.

36 2 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners.  
37 Amend RSA 508 by inserting after section 21 the following new section:



1 508:22 New Section; Liability Limited; Winter Maintenance.

2 I. No commercial applicator, as defined in RSA 489:1, I, and in compliance with RSA 489 or  
3 owner, occupant, or lessee of land shall be liable for damages arising from insufficiencies or hazards  
4 on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof,  
5 when such hazards are caused solely by snow or ice, and the commercial applicator, owner, occupant,  
6 or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation,  
7 absent gross negligence or reckless disregard of the hazard, of best management practices for winter  
8 road, parking lot and sidewalk maintenance published jointly by the department of transportation  
9 and the department of environmental services. All commercial applicators, owners, occupants, or  
10 lessees who adopt such best management practices shall be presumed to be acting pursuant to the  
11 best management practices in the absence of proof to the contrary.

12 II. In order to receive the liability protection provided in paragraph I, a commercial  
13 applicator, owner, occupant, or lessee of land shall keep a written record describing its winter road,  
14 parking lot, and property maintenance practices. The written record shall include the type and rate  
15 of application of de-icing materials used, the dates of treatment, and the weather conditions for each  
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9 roadways, parking lots, or sidewalks, for the purpose of winter maintenance.

10

II. "Commercial applicator" means any individual who applies or supervises others who  
11 apply salt but shall not include any municipal or state employees.

12

III. "Commissioner" means the commissioner of environmental services.

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IV. "Department" means the department of environmental services.

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V. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other  
15 substance containing chloride.

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VI. "Salt alternative" means any substance not containing chloride used for the purpose of  
17 de-icing or anti-icing paved surfaces.

18

489:2 Certification Required. Commercial applicators shall be annually certified by the  
19 department. Applicator certificates shall be issued and fees shall be collected by the department.  
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21 for the owner or chief supervisor with all commercial applicators employed by the business obtaining  
22 certificates to qualify under the master certificate. The holder of the master certificate shall ensure  
23 that all commercial applicators operating under his or her master certificate receive the required  
24 training and shall provide the required record keeping on behalf of all commercial applicators  
25 operating under his or her master certificate. Annual fees for certificates obtained under a master  
26 certificate shall be significantly less than the fees for a master certificate.

27

489:3 Authority. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

28

I. Policies and goals relative to applying salt.

29

II. Receiving and allocating federal grants and other funds or gifts for the purpose of  
30 carrying out any of the functions of this chapter.

31

III. The types and frequency of training programs required for certification.



Amendment to HB 1676-FN

- Page 2 -

1 IV. Procedures for commercial applicators to obtain certification.

2 V. Setting and collecting fees to cover the cost of program implementation.

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5 apply salt in de minimis amounts, including private homeowners.

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7 I. Applications for certification shall be on a form prescribed by the department and shall  
8 include the following:

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11 authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.

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19 state treasurer to the credit of said fund and may be invested as provided by law. Interest received  
20 on such investment shall also be credited to the fund.

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22 holding a valid and current applicator certificate.

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26 II. The department may issue an order to any person in violation of any provision of this  
27 chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to  
28 cease and desist from any act in violation of such provision, certification, or rule. Orders of the  
29 department under this section shall be effective immediately.

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Amendment to HB 1676-FN

- Page 3 -

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2 when such hazards are caused solely by snow or ice, and the commercial applicator, owner, occupant,  
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12 of application of de-icing materials used, the dates of treatment, and the weather conditions for each  
13 event requiring de-icing. Such records shall be kept for a period of 3 years.

14  
15 Amend the bill by replacing section 4 with the following:

16  
17 4 Effective Date.

18 I. RSA 489:5 as inserted by section 1 of this act shall take effect July 1, 2011.

19 II. The remainder of this act shall take effect July 1, 2010.

Amendment to HB 1676-FN

1 Amend the bill by replacing sections 1-2 with the following:

2  
3 1 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 488 the  
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2 when such hazards are caused solely by snow or ice, and the commercial applicator, owner, occupant,  
3 or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation,  
4 absent gross negligence or reckless disregard of the hazard, of best management practices for winter  
5 road, parking lot and sidewalk maintenance published jointly by the department of transportation  
6 and the department of environmental services. All commercial applicators, owners, occupants, or  
7 lessees who adopt such best management practices shall be presumed to be acting pursuant to the  
8 best management practices in the absence of proof to the contrary.

9 II. In order to receive the liability protection provided in paragraph I, a commercial  
10 applicator, owner, occupant, or lessee of land shall keep a written record describing its winter road,  
11 parking lot, and property maintenance practices. The written record shall include the type and rate  
12 of application of de-icing materials used, the dates of treatment, and the weather conditions for each  
13 event requiring de-icing. Such records shall be kept for a period of 3 years.

14  
15 Amend the bill by replacing section 4 with the following:

16  
17 4 Effective Date.

18 I. RSA 489:5 as inserted by section 1 of this act shall take effect July 1, 2011.

19 II. The remainder of this act shall take effect July 1, 2010.

Rep. Thomas, Coos 4  
Rep. Moody, Rock. 12  
February 4, 2010  
2010-0495h  
08/03

Amendment to HB 1676-FN

1 Amend the bill by replacing sections 1-2 with the following:

2

3 1 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 488 the  
4 following new chapter:

5

CHAPTER 489

6

SALT APPLICATION CONTROLS

7

489:1 Definitions. In this chapter:

8

I. "Apply salt" means to apply salt or a salt alternative to the ground or any paved surface,  
9 such as roadways, parking lots, or sidewalks, for the purpose of winter maintenance.

10

II. "Commercial applicator" means any individual who applies or supervises others who  
11 apply salt but shall not include any municipal or state employees.

12

III. "Commissioner" means the commissioner of environmental services.

13

IV. "Department" means the department of environmental services.

14

V. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other  
15 substance containing chloride.

16

VI. "Salt alternative" means any substance not containing chloride used for the purpose of  
17 de-icing or anti-icing surfaces.

18

489:2 Certification Required. Commercial applicators shall be annually certified by the  
19 department. Applicator certificates shall be issued and fees shall be collected by the department.  
20 Businesses with multiple commercial applicators shall have the option to obtain a master certificate  
21 for the owner or chief supervisor with all commercial applicators employed by the business obtaining  
22 certificates to qualify under the master certificate. The holder of the master certificate shall ensure  
23 that all commercial applicators operating under his or her master certificate receive the required  
24 training and shall provide the required record keeping on behalf of all commercial applicators  
25 operating under his or her master certificate. Annual fees for certificates obtained under a master  
26 certificate shall be significantly less than the fees for a master certificate.

27

489:3 Authority. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

28

I. Policies and goals relative to applying salt.

29

II. Receiving and allocating federal grants and other funds or gifts for the purpose of  
30 carrying out any of the functions of this chapter.

31

III. The types and frequency of training programs required for certification.

Amendment to HB 1676-FN

- Page 2 -

1 IV. Procedures for commercial applicators to obtain certification.

2 V. Setting and collecting fees to cover the cost of program implementation.

3 VI. Recordkeeping required for commercial applicators to maintain certification.

4 VII. Exemptions from the certification requirements of this chapter for individuals who  
5 apply salt in de minimis amounts, including private homeowners.

6 489:4 Application for Certification.

7 I. Applications for certification shall be on a form prescribed by the department and shall  
8 include the following:

9 (a) The full name and address of the person applying for the certification.

10 (b) The name and address of a person whose domicile is in the state, and who is  
11 authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.

12 (c) The type of apparatus used to apply salt whether liquid or dry.

13 (d) Any other information deemed necessary by the department.

14 II. Fees collected from applicants for certification as commercial applicators under this  
15 chapter shall be deposited in the salt application fund.

16 III. There is hereby established the salt application fund. This nonlapsing, revolving fund  
17 shall be used to carry out the implementation of the certification of commercial applicators as  
18 specified by this chapter. Certification fees collected by the department shall be deposited with the  
19 state treasurer to the credit of said fund and may be invested as provided by law. Interest received  
20 on such investment shall also be credited to the fund.

21 489:5 Prohibited Acts. It shall be unlawful for any commercial applicator to apply salt without  
22 holding a valid and current applicator certificate.

23 489:6 Administration and Enforcement.

24 I. The commissioner shall arrange for the administration and enforcement of the provisions  
25 of this chapter and the administrative rules of the department.

26 II. The department may issue an order to any person in violation of any provision of this  
27 chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to  
28 cease and desist from any act in violation of such provision, certification, or rule. Orders of the  
29 department under this section shall be effective immediately.

30 III. The commissioner, after notice and hearing pursuant to RSA 541-A, shall impose an  
31 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.  
32 Rehearings and appeals relating to such fines shall be governed by RSA 541.

33 2 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners.  
34 Amend RSA 508 by inserting after section 21 the following new section:

35 508:22 New Section; Liability Limited; Winter Maintenance.

36 I. No commercial applicator, as defined in RSA 489:1, I, and in compliance with RSA 489 or  
37 owner, occupant, or lessee of land shall be liable for damages arising from insufficiencies or hazards



1 on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof,  
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# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** January 20, 2010

**LOB ROOM:** 305      **Time Public Hearing Called to Order:** 1:00 p.m.

**Time Adjourned:** 2:26 p.m.

(please circle if present)

**Committee Members:** Reps. ~~Spang~~, ~~Upper~~, ~~Parkhurst~~, ~~Moody~~, ~~Aguiar~~, ~~Gottling~~, ~~Hubbard~~, ~~Kenner~~, ~~Thomas~~, ~~C. Williams~~, ~~McClammer~~, ~~D. Russell~~, ~~Renzullo~~, ~~C. Christensen~~, ~~Ahlgren~~, ~~Kappler~~, ~~Spaulding~~, ~~Bolster~~, ~~T. Howard~~ and ~~St. Cyr~~.

**Bill Sponsors:** Rep. Crisler, Rock 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Crisler** - Introduced the bill. Bringing bill forward at request of DES. They will answer all technical questions. Need to train and certify applicators to limit amount of salt and limit liability. I represent towns with two great ponds. Wells are being contaminated. Fee will be charged and go into revolving fund to cover costs. DES is developing software to make it easy for applicators to report.

Q. Rep. Spaulding: If best practices are followed, what liability is left? ANS: No matter what, lawsuits happen. If we do this certification then liability would surely be less.

\* **Eric Williams, NH Department of Environmental Services (DES)** - Supports the bill. Written testimony handed out along with information sheet. Around 2003 started seeing high levels of chloride in water bodies. Have a number that are impaired for aquatic life. Put in automated equipment and data showed waters impaired and that high chloride levels coordinated with low flow in summer. Not a problem that is only there in winter and disappears with spring rains. Year-round problem. Explained graph. Have to do a maximum daily load study so you know how to meet water quality standards. Know how much comes from different types of roads. Formed a salt reduction work group with four towns. Some private sector representation, State is trying to expand highway and must meet the standards. This will require cooperation from all sectors. The DOT has been implementing new techniques over the last few years and has achieved significant reductions, about 20%. But that is not enough and need other sectors to help. Also working with UNH, have funding from them and have an accounting system to calculate how much salt used. Hope to allow operators to report data from a cell phone. If there is an accident in a parking lot, operator often accepts liability. Then might decide to put down more salt which is not always more effective. In Minnesota, have found a 50% reduction in salt use simply by training to promote efficient and proper application. There will be liability protection for private operators who follow correct procedures.

Similar to pesticide program but not a duplicate. Need to focus on annual loading. Must track TMBL loading and show we are controlling problem. Letter passed out is signed by four agencies. The four commissioners have been meeting to discuss this issue. On back of handout, although talking about I93 corridor, there are other places of trouble. Not just limited to that corridor. Particularly bad in the southeast portion of the state.

Q. Rep. Spang. Your amendment allows us to dodge the 24A problem. ANS: There is a system in place for town and state applicators but not yet for private operators.

Q. What is your recourse if you are driving on the road and see a great clump of salt? ANS: Practices change depending on changing conditions. One of the things we are doing is looking at correlation between existing conditions and how much salt to put down. Will use that data to see how we are doing. May be some times we need to use more. Talk to whoever is responsible for that road.

Q. What happens if a town hires a private applicator? ANS: That person would be required to become certified. A municipality has the option of hiring out or hiring their own crews.

Q. Rep. Kappler: Suggest to committee that we ask Michele Daly from UNH who is partnering in this effort to come and give us a presentation.

Q. Rep. Howard: If you have a road agent, and I am sure he isn't certified, and we have selectmen who also probably drive trucks. ANS: Make it explicitly clear that municipal employees are exempt.

Q. Are municipal employees required to be trained? ANS: No but many of them are and most municipalities take advantage of programs offered by UNH.

Q. Rep. Kepner: Are there ways to blend the salt to make it still work. Are you looking for alternatives? ANS: Always trying for that. Using salt water works quicker. That is still chloride. Salt is a good product to use for winter maintenance. Just trying to use less.

Q. Rep. Bolster: In my town using more of a mix, with sand. In Maine last week, followed truck putting out rock salt on a bare road. Is rock salt alone still common or is a mix more common? ANS: Mix used for municipalities. Salt needed for larger highways that prevent ice bond from forming. Many towns use salt on problem spots. Probably 234 ways of towns doing this.

Q. Rep. Spang: Was working group formed specifically for I-93? ANS: Yes. Before we can have four lane highway expansion, must reduce salt loading. Problem of liability needed to be addressed for private operators to remove a barrier to their possible overuse of salt.

**Senator Chuck Morse** - I have someone works with me who is on the I-93 salt reduction work group. My concern is that the state has a method to gather the needed data. Don't think we need to put down through problems. Today we have this new problem of SALT. Do need a study committee that looks at the environmental side. Don't think the bill gives the commercial applicator what they need. Does give it to the landowner. Operators are protecting themselves. If we are going to head toward the things in this bill, need further study. No one else if here because they were out last night taking care of roads. We may be driving some people out of business. Need best management practices written by the state. Need to find common ground between business people and environmental groups.

Q. Rep. Christensen: Is there a mechanism similar to ski area exemption related to signs on roads or other areas that warn "Low salt area." Give folks fair warning.



**John Starkey** - Opposes the bill. Experience began with Seabees in Maine. They worked with several municipalities. Director of public works in Seabrook NH now. Knows what is offered at UNH program "the first Roads scholar." Can introduce no salt, limited salt, etc. areas. There is an unfunded federal mandate geared toward water quality. Costing a lot of money. Believe I-93 should be widened. Experiment in Hanover to see what could be done with different surfaces. Investigate that. I am concerned with how this impacts municipalities. Every year that the budget looks tight, I am told by town officials "you are being a little heavy-handed with salt." When you use alternative such as sand, you create new problems with silting, clogging, etc. Flooding is a direct result from filled ditches. Not as simple as it might seem. Study it a bit more. Technology transfer program is minimal but does cost municipalities some cost. When you see piles of salt is because overtired applicators forget to turn off their applicators when stopped or pausing in traffic.

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**Mike Walls, Assistant Commissioner, NH Department of Environmental Services (DES)** - Supports the bill. Speaking to liability sections. Wording in this statute mimics the language used for municipal and state employees. Other areas covered such as ski areas and landowners allowing recreational activity on their land. This bill's provisions follow in that path.

Q. Rep. Spaulding: Is protection for persons or environment? ANS: The first.

Rep. Spang: Is there work to be done on the bill? ANS: Yes. Particularly point about applying to landowners rather than operators.

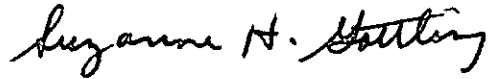
**Bill Cass, DOT. Caleb Dobbins, DOT** - Supports the bill. Caleb knows most about best management practices. Have a number of policies and practices that are not yet in a pamphlet form but not too far from that. Many talk about proper uses of salt.

Q. Rep. Spang: These are your in-house practices? ANS: Caleb: Training open to own employees and those hired from private sector. In processing of creating BMPs. There are groundspeed applicators that stop when vehicle stops.

Q. When private folks want to use BMPs they have to go to your training session. ANS: Use the model described earlier along the lines of Minnesota program.

**Dianne Durgin** - Opposes the bill. Private operator for 11 years. But everyone who uses it should be trained in similar ways. Not as easy for me to put an expensive device in my equipment to measure salt use. Seems as if funds are pretty much unlimited, but who is going to help fund us? I try to operate effectively. First question I am asked by insurance company is a list of slips and falls suits. Need liability protection for small operators. I know what I speak of and want us to work together to protect the environment. Bottom line is more study needs to be done.

Respectfully submitted,

A handwritten signature in cursive script that reads "Suzanne H. Gottling".

Rep. Suzanne H. Gottling  
Clerk

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DATE: 1 - 20 - 10

LOB ROOM: 305 309 Time Public Hearing Called to Order: 1:00

Time Adjourned:

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Q. Bolster: Cost of insurance is a big issue for commercial operator. How much has your insurance gone up in last five years?

Ans. Not at all. Some people are over treating but in general managing the process better. Haven't had any claims against me. No rise for winter maintenance.

Testimony: Mike Walls: DES; Assistant Commissioner: Speaking to liability sections. Wording in this statute mimics the language used for municipal and state employees. Other areas covered such as ski areas and landowners allowing recreational activity on their land. This bill's provisions follow in that path.

Q. Spaulding: Is protection for persons or environment?

Ans. The first.

Spang: Is there work to be done on the bill?

Ans. Yes. Particularly point about applying to landowners rather than operators.

Testimony: Bill Cass, DOT. Caleb Dobbins, DOT: Caleb knows most about best management practices. Have a number of policies and practices that are not yet in a pamphlet form but not too far from that. Many talk about proper uses of salt.

Q. Spang: These are your in-house practices.?

Ans. Caleb: Training open to own employees and those hired from private sector. In processing of creating BMPs. There are groundspeed applicators that stop when vehicle stops.

Q. When private folks want to use BMPs they have to go to your training session.

Ans. Use the model described earlier along the lines of Minnesota program.

Testimony: Dianne Durgin: Private operator for 11 years. But everyone who uses it should be trained in similar ways. Not as easy for me to put an expensive device in my equipment to measure salt use. Seems as if funds are pretty much unlimited, but who is going to help fund us? I try to operate effectively. First question I am asked by insurance company is a list of slips and falls suits. Need liability protection for small operators. I know what I speak of and want us to work together to protect the environment. Bottom line is more study need to be done.

Adjourned 2:26

# Sub-Committee Actions



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** April 27, 2010

**Subcommittee Members:** Reps. Tupper, Spaulding, Thomas, Moody, Russell and Kappler

**Comments and Recommendations:** Line 9 of Amendment #0495h remove word "writer".

**Amendments:**

Sponsor: Rep. Thomas & Moody OLS Document #: 2010 0495h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 4-1

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Frank Tupper  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** April 27, 2010

**Subcommittee Members:** Reps. Tupper, Spaulding, Thomas, Moody, Russell, and Kappler

**Comments and Recommendations:** Line 9 of Amendment 0495h remove word "Winter"

**Amendments:**

Sponsor: Rep. Thomas, moody

OLS Document #: 0495h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: 4-1

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Frank Tupper  
Subcommittee Chairman/Clerk

1676-FN

Attendance: Reps. Thomas (chair), Russell, Kaper, Spang,  
Spaulding, Renzullo, Moody, Tupper

Mon Feb 8 2:03 pm Work meeting for possible floor amendment

Discussion:

Chair Spang opened discussion. Asked Spaulding  
to present new idea for bill:

DES widens BMPs

" conducts 3 pilot trainings by Fall 2010

" follows up to confirm BMPs effective

Response given by DES, salt applicators, sponsor

Liability issues discussed. AG's office helped in  
drafting legislation.

Discussion to go back to Amend. # 2010-0416h  
~~Add~~ on line 9: "winter" to cover summer application  
Remove do dirt roads to keep dust down

Adjourned 3:15p

Rep. Jayne Spaulding

Amendment to HB 1676-FN

1 Amend the bill by replacing sections 1-2 with the following:

2

3 1 New Chapter; Salt Application Controls. Amend RSA by inserting after chapter 488 the  
4 following new chapter:

5

CHAPTER 489

6

SALT APPLICATION CONTROLS

7

489:1 Definitions. In this chapter:

8

I. "Apply salt" means to apply salt or a salt alternative to the ground or any paved surface,  
9 such as roadways, parking lots, or sidewalks, for the purpose of winter maintenance.

10

II. "Commercial applicator" means any individual who applies or supervises others who  
11 apply salt but shall not include any municipal or state employees.

12

III. "Commissioner" means the commissioner of environmental services.

13

IV. "Department" means the department of environmental services.

14

V. "Salt" means sodium chloride, calcium chloride, magnesium chloride, or any other  
15 substance containing chloride.

16

VI. "Salt alternative" means any substance not containing chloride used for the purpose of  
17 de-icing or anti-icing surfaces.

18

489:2 Certification Required. Commercial applicators shall be annually certified by the  
19 department. Applicator certificates shall be issued and fees shall be collected by the department.  
20 Businesses with multiple commercial applicators shall have the option to obtain a master certificate  
21 for the owner or chief supervisor with all commercial applicators employed by the business obtaining  
22 certificates to qualify under the master certificate. The holder of the master certificate shall ensure  
23 that all commercial applicators operating under his or her master certificate receive the required  
24 training and shall provide the required record keeping on behalf of all commercial applicators  
25 operating under his or her master certificate. Annual fees for certificates obtained under a master  
26 certificate shall be significantly less than the fees for a master certificate.

27

489:3 Authority. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

28

I. Policies and goals relative to applying salt.

29

II. Receiving and allocating federal grants and other funds or gifts for the purpose of  
30 carrying out any of the functions of this chapter.

31

III. The types and frequency of training programs required for certification.

Amendment to HB 1676-FN

- Page 2 -

1 IV. Procedures for commercial applicators to obtain certification.

2 V. Setting and collecting fees to cover the cost of program implementation.

3 VI. Recordkeeping required for commercial applicators to maintain certification.

4 VII. Exemptions from the certification requirements of this chapter for individuals who  
5 apply salt in de minimis amounts, including private homeowners.

6 489:4 Application for Certification.

7 I. Applications for certification shall be on a form prescribed by the department and shall  
8 include the following:

9 (a) The full name and address of the person applying for the certification.

10 (b) The name and address of a person whose domicile is in the state, and who is  
11 authorized to receive and accept services of summonses and legal notice of all kinds for the applicant.

12 (c) The type of apparatus used to apply salt whether liquid or dry.

13 (d) Any other information deemed necessary by the department.

14 II. Fees collected from applicants for certification as commercial applicators under this  
15 chapter shall be deposited in the salt application fund.

16 III. There is hereby established the salt application fund. This nonlapsing, revolving fund  
17 shall be used to carry out the implementation of the certification of commercial applicators as  
18 specified by this chapter. Certification fees collected by the department shall be deposited with the  
19 state treasurer to the credit of said fund and may be invested as provided by law. Interest received  
20 on such investment shall also be credited to the fund.

21 489:5 Prohibited Acts. It shall be unlawful for any commercial applicator to apply salt without  
22 holding a valid and current applicator certificate.

23 489:6 Administration and Enforcement.

24 I. The commissioner shall arrange for the administration and enforcement of the provisions  
25 of this chapter and the administrative rules of the department.

26 II. The department may issue an order to any person in violation of any provision of this  
27 chapter, an applicator certificate issued under this chapter, or a rule adopted under this chapter, to  
28 cease and desist from any act in violation of such provision, certification, or rule. Orders of the  
29 department under this section shall be effective immediately.

30 III. The commissioner, after notice and hearing pursuant to RSA 541-A, shall impose an  
31 administrative fine of up to \$5,000 for each offense upon any person who violates this chapter.  
32 Rehearings and appeals relating to such fines shall be governed by RSA 541.

33 2 New Section; Limited Liability for Winter Maintenance by Private Parking Lot Owners.  
34 Amend RSA 508 by inserting after section 21 the following new section:

35 508:22 New Section; Liability Limited; Winter Maintenance.

36 I. No commercial applicator, as defined in RSA 489:1, I, and in compliance with RSA 489 or  
37 owner, occupant, or lessee of land shall be liable for damages arising from insufficiencies or hazards

**Amendment to HB 1676-FN**

**- Page 3 -**

1 on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof,  
2 when such hazards are caused solely by snow or ice, and the commercial applicator, owner, occupant,  
3 or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation,  
4 absent gross negligence or reckless disregard of the hazard, of best management practices for winter  
5 road, parking lot and sidewalk maintenance published jointly by the department of transportation  
6 and the department of environmental services. All commercial applicators, owners, occupants, or  
7 lessees who adopt such best management practices shall be presumed to be acting pursuant to the  
8 best management practices in the absence of proof to the contrary.

9 II. In order to receive the liability protection provided in paragraph I, a commercial  
10 applicator, owner, occupant, or lessee of land shall keep a written record describing its winter road,  
11 parking lot, and property maintenance practices. The written record shall include the type and rate  
12 of application of de-icing materials used, the dates of treatment, and the weather conditions for each  
13 event requiring de-icing. Such records shall be kept for a period of 3 years.

14

15 Amend the bill by replacing section 4 with the following:

16

17 4 Effective Date.

18 I. RSA 489:5 as inserted by section 1 of this act shall take effect July 1, 2011.

19 II. The remainder of this act shall take effect July 1, 2010.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT  
SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** September 22, 2010

**Subcommittee Members:** Reps. Tupper, Spaulding, Thomas, Moody, Russell, and Kappler

**Comments and Recommendations:** Please see attached notes.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep. Moody

Seconded by Rep. Russell

Vote: 5-0

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Frank A. Tupper  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** September 22, 2010

**Subcommittee Members:** Reps. Tupper, Spaulding, Thomas, Moody, Russell, and Kappler

**Comments and Recommendations:** See notes

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep. *moody*  
Seconded by Rep. *Russell*  
Vote: *5-0*

**Motions:** Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.  
Seconded by Rep.  
Vote:

Respectfully submitted,

Rep. *Frank A. Tupper*  
Subcommittee Chairman/Clerk  
*FT*



Sept. 22 - 2010 - 305 HBB - 10:30 AM 1676 FN (1)

Frank Russell - Does not like record keeping  
yes - Marcia Moody  
Mike Kappeler  
Andy Ruzullo  
No - David Russell  
yes - Yvonne Thomas

Record keep is confusing - Only needs to be done  
for liability. Certificates is only the reporting of  
Self-use and where. -  
Common sense approach. -

Marcia: Liability protection is optional. If someone wishes  
to have this included, it seems to be in their best  
interest. - Don't feel it is excessive in that case

Frank R. / Is it common that people need liability?

Eric: Yes, one contractor had 11 lawsuits - people  
will sue everyone - involved. -  
This bill does give protection from us for owners

Frank: Can they get us on their own?

(2)

Eric: Owners do have ins.

Mike Williams - Municipal Ass. -

Par. 1-2 - Section 22 (seems contradictory.)

Frank B. - Intent was to use less Sub. -

A. Regullo - (not a committee member.)

Questions (line 36 - and on to page 3 line 9)

Eric W. (Line 9) - Written Record for liability protection

Gary Abbott - (Does the owner <sup>who</sup> is such certified have to attend classes)

Eric W. - No, you would require to see a certificate. If practices not followed / No protection is afforded.

Frank B. / fees are subject to Ways & Means - when the bill is presented - next session.

Eric - One hundred dollars - per session - /  
Koppler -

Margaret Custer - I attended session at U.N.H  
Price was \$50.00 with lunch & Breakfast  
Very positive feedback.

(3)

Frank / Charlie Goodspeed - presented the session

Marcia Moody - Motion to pass this bill & recommend it -

Joel: Recommendation for interim study - for future bills - / Full committee may or may not - recommend -

Marcia Moody - (Remove the motion to pass

Rob Johnson: N.H. Form Bureau  
What is a commercial applicator? Does that mean for hire?

Joel: - Large companies who do not here - They should be included -

Frank / Should we refer to recommend for future legislation or not?

David Russell - / Would be referred as a new bill - if someone wants to present.

Frank / all those in favor of recommending raise your hand

(4)

5-0

Motion was made - all present voted yes. -

Joel: Blue also must accompany recommendation

Frank: / Who wants to make the motion

Marsha M. / Recommend - bill be recommended for  
further legislation  
Ngonne Thomas seconded -

Frank / We are adjourned ) -  
Thank you -

# Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** January 26, 2010

**Subcommittee Members:** Reps. Spaulding, Thomas, Hubbard, and Moody

**Comments and Recommendations:** Continued Thursday at 1:30 and Executive Session on Tuesday, February 2, 2010. Discussion of cost of educational aspects, plus idea of having a license held by company owner who would then provide coverage for his/her workers.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Pamela J. Hubbard  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

BILL TITLE: requiring certification of road salt applicators.

DATE: 1-26-10

Subcommittee Members: Reps. Jayne Spaulding, Yvonne Thomas,  
Pamela Hubbard, Marcia Moody

Comments and Recommendations:

continued until Tuesday 2/2/10 / discussion of cost of educational aspects,

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

plus idea of having a license held by company owner who would then provide coverage for his/her workers.

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

Pamela T. Hubbard

**Ebbs, Heather**

---

**From:** Margaret Crisler [margaret.crisler@comcast.net]  
**Sent:** Monday, January 25, 2010 5:23 PM  
**To:** Ebbs, Heather  
**Subject:** FW: Proposed senate Bill HB1676

Hi Heather:

This is an email trail that I think would be of interest to the committee. Could you make copies for them? It would be GREAT if they had it for the study committee.

My sincere apologies for not getting this to you sooner, but I was trying to figure out the technicalities of doing this (which weren't difficult, once I worked through them)

Thank you for all your help.

Margaret

*Margaret McKee Crisler*  
*NH State Representative*  
*Rockingham District 4 (Windham/Salem)*  
[Margaret.crisler@comcast.net](mailto:Margaret.crisler@comcast.net)

**From:** Bennett Holmes [mailto:Ben@ryebeachlandscaping.com]  
**Sent:** Saturday, January 23, 2010 8:43 AM  
**To:** 'Margaret Crisler'  
**Subject:** RE: Proposed senate Bill HB1676

Ms. Crisler,

I would be happy to be involved in the process in any way. Feel free to forward my communications to whoever you deem appropriate. I would be interested in attending the session, please keep me informed and thank you for the continued information.

Sincerely,

*Bennett Holmes*  
***Rye Beach Landscaping LLC***  
*....a member of the Seacoast Green Group*  
**C 603-396-7218**  
**O 603-964-6888**  
**F 603-433-8664**  
[Ben@RyeBeachLandscaping.com](mailto:Ben@RyeBeachLandscaping.com)

**From:** Margaret Crisler [mailto:margaret.crisler@comcast.net]  
**Sent:** Friday, January 22, 2010 9:38 AM  
**To:** 'Bennett Holmes'  
**Subject:** RE: Proposed senate Bill HB1676



Dear Mr. Holmes:

Thank you for your very kind email and I hope I have your support for this bill. In hindsight, I probably should have called it "Liability protection for commercial salt applicators"!!!

With your permission, I would like to forward your email to the members of the Resources, Recreation, and Development Committee who are reviewing this bill now. The executive session (where they vote and make a recommendation to the House) is scheduled for 10:00AM Thursday, 28 January 2010, in Room 305, Legislative Office Building. Although the public is not invited to speak at these sessions, you or some of your colleagues may be interested in attending. If so, I would be happy to give you exact directions on how to get there and where to park.

Just as a footnote, I applaud your company's conscientious approach to salt use and protecting the environment.

Again, thank you for communicating with me.

Margaret

*Margaret McKee Crisler*  
*NH State Representative*  
*Rockingham District 4 (Windham/Salem)*  
[Margaret.crisler@comcast.net](mailto:Margaret.crisler@comcast.net)

**From:** Bennett Holmes [mailto:Ben@ryebeachlandscaping.com]  
**Sent:** Friday, January 22, 2010 7:54 AM  
**To:** 'Margaret Crisler'  
**Subject:** RE: Proposed senate Bill HB1676

Ms. Crisler,

Thank you for responding so quickly to my inquiry regarding the bill. I now see that some of the intent is to reduce salt usage among contractors, which I agree is a good step. I see far too many contractors in my area using an irresponsible amount of salt to solve their snow removal problems and I know that it results in damage to the environment. My company has always taken a conservative approach to salt application which, at times, costs us more time on site but ultimately is a better policy.

I forwarded your response to our SIMA members and I'm sure further discussion is forthcoming.

Again, thank you for your response.

Sincerely,

*Bennett Holmes*  
***Rye Beach Landscaping LLC***  
*....a member of the Seacoast Green Group*  
**C 603-396-7218**  
**O 603-964-6888**  
**F 603-433-8664**  
[Ben@RyeBeachLandscaping.com](mailto:Ben@RyeBeachLandscaping.com)

---

**From:** Margaret Crisler [mailto:margaret.crisler@comcast.net]

**Sent:** Thursday, January 21, 2010 9:30 AM

**To:** 'Bennett Holmes'

**Subject:** RE: Proposed senate Bill HB1676

Dear Mr. Holmes:

Thank you for your email. I am very pleased to summarize this bill for you.

Attached is a copy of the bill in its current state. There is an amendment already in to clarify one point that wasn't clear, and I will get to that after going over the highlights of the bill.

The purpose of this bill is obviously to decrease the amount of salt which threatens both our surface and ground water. DES and DOT have been working very successfully together to develop application methods that give equal or better results with less salt used. Not only is this good for the environment, it also saves money considering the cost of salt these days!

The bill calls for the training and certification of commercial salt applicators. The training is intended to both improve the effectiveness of these applications and to minimize the amount of salt used. It specifically EXCLUDES DOT personnel, as well as city and town employees (road agents, etc.) because they are trained under existing programs.

VERY IMPORTANT it limits the liability of both the applicators and the property owners when these methods are used. Currently, municipalities and the state have liability protection based on statute but private entities do not have this protection. This bill will give them that protection if they follow best management practices.

UNH is working with DES on the training program and the software to do the reporting. It is intended that these reports will be paperless, using a cell phone to report.

There will be a fee charged applicators for this training and certification. It is intended to be low, going into a revolving fund and cover the actual cost of the program, rather than be a revenue enhancement.

The amendment that has been submitted to the committee is to specifically exclude DOT & Municipal applicators, and another one is being submitted with specific language to clarify that the applicators also have liability protection, not just the property owners.

In summary, this bill is intended to protect our water resources, alleviate business owners and commercial applicators from liability when salt is properly applied, and use salt most efficiently.

Thank you for your inquiry. I hope this response clarifies what the bill actually

is, and that you can agree with me that having the liability protection will negate the added hassle of certification and the comparatively small expense. Also, not having to put down too much salt just to block potential lawsuits will save money as well as protect the environment.

Margaret

*Margaret McKee Crisler*  
*NH State Representative*  
*Rockingham District 4 (Windham/Salem)*  
[Margaret.crisler@comcast.net](mailto:Margaret.crisler@comcast.net)

**From:** Bennett Holmes [mailto:Ben@ryebeachlandscaping.com]  
**Sent:** Wednesday, January 20, 2010 4:17 PM  
**To:** margaret.crisler@comcast.net  
**Subject:** Proposed senate Bill HB1676

Ms. Crisler,

I am a member of the Snow and Ice Management Association, who has just made all of us in NH aware of the bill you are sponsoring which would require certification of salt applicators, both public and private. I would like to know the reason behind this bill...why it was proposed and why you are sponsoring it. Below you will find my thoughts of today that I communicated to all of our NH members earlier detailing my concerns with the bill. Many of us who provide snow and ice services are concerned about the impact that this bill will have on our businesses and your response will be greatly appreciated.

Respectfully,

Bennett Holmes  
Rye Beach Landscaping LLC

"Is this bill an attempt to regulate and promote the responsible use of salt for environmental reasons, an attempt to generate fees or a method of further burdening the contractors with liability that we already shoulder?

I reject the concept of this bill from a liability standpoint..... Ensuring safety at our customer's properties is accomplished by much more than just applying salt. Why not propose a general certification program (CSP?) for snow removal operators to wrap the whole concept into one package? The state is missing the big picture.

I still think the property owners need to shoulder fair responsibility for their land and associated activity on it. "

*Bennett Holmes*  
***Rye Beach Landscaping LLC***  
*....a member of the Seacoast Green Group*  
**C 603-396-7218**  
**O 603-964-6888**  
**F 603-433-8664**  
[Ben@RyeBeachLandscaping.com](mailto:Ben@RyeBeachLandscaping.com)

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.730 / Virus Database: 270.14.145/2626 - Release Date: 01/21/10 02:34:00

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.730 / Virus Database: 270.14.145/2626 - Release Date: 01/23/10 02:33:00

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** January 28, 2010

**Subcommittee Members:** Reps. Spaulding, Thomas, Hubbard, Moody, and Tupper

**Comments and Recommendations:** Please see attached notes.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
Rep.  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** January 27, 2010

**Subcommittee Members:** Reps. Spaulding, Thomas, Hubbard, and Moody, + Tupper

**Comments and Recommendations:** Please see attached notes.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

Page 3 ADD III-(k) The proposed lease shall contain a 10 Year development plan, detailing proposed expansion and improvements on the land defined by the lease.

V. **add** and the governing body of each local community.

VI. **to read**-- The committee shall hold an informational meeting to be held in one of the local community-----

1:40 PM -

1676 FN

Joel: Amendment language - [deleted -  
Combination - B, M, P, - DES - DOT.

Separate records - for liability.

Kappler: - Keep out obvious persons - [poundage \$1,000 gross  
rule making - identify -

Crocker (New volume - salt (Poundage) =

Spaulding (Poundage preferred -

Kappler: Difficult to do by poundage - by the money easier

Eric (- Exemptions - by - value in rules - Revenue &  
per pound (-

How much <sup>revenue</sup> in your opinion. = (

Spaulding (Neighbor to neighbor -)

For hire (- Reporting Taxes - - Small contractors.

Eric - (Purchased by the bag -)

Marcia Moody - Exempt by hand application -

Eric (Work out details) - Rules.

Training Program. - (Aspect -) (T. Square workshop -)  
\$35.00 to \$50.00 (Admin rules. -)

Credit system -

Good classes (SIMA) -

Erie (Curriculum important) -

Reporting required under rules -

Good definition for commercial operator

Rep Spaulding Can it be done online.

Some classes offered on line

Regullo B.M.P. - are they available? Who

decides - (Park one -

Eme (B.M.P. Minnesota - tailored to N.H. -  
and keep records.

James We're reporting usage annually. - Selling point  
League reporting - (

Erie (Where is it going? - important

James DOT. Certificate. Some wheel & adapted to  
Langue Eme - State biggest user. (southern part of state)

Netershed - (Gross no. - -)

Shawn  
Crapo Bill -

Does this state have a written program -

DOT General Training Programs - (

On line - Web site -

Problem with big cities -)

Kappler (Rockingham - worse -)

Shawn Calibrated machines important  
Crapo Cannot buy calibrators. - (

Closed

2:50 P.M.

DTP with A.

5 - for  
0 - against



# Testimony

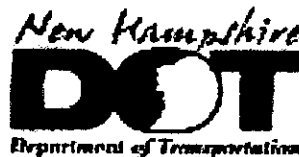
**HB1676-FN**

Sponsor: Margaret Crisler  
Rockingham District 4 (Windham/Salem)

Proposed Amendments:

I. No *commercial applicator as defined in RSA 489:1, I, or owner, occupant, or lessee of land shall be liable for damages arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by them, even with actual notice thereof, when such hazards are caused solely by snow or ice, and the owner, occupant or lessee's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of best management practices for winter road and parking lot maintenance recommended by the department of transportation and the department of environmental services. All commercial applicators, owners, occupants, or lessees who adopt best management practices for winter maintenance recommended by the department of transportation and the department of environmental services shall be presumed to be acting pursuant to the best management practices in the absence of proof to the contrary.*

II. In order to receive the liability protection provided in paragraph I, *a commercial applicator as defined in RSA 489:1, I, or an owner, occupant, or lessee of land shall keep a written record describing its winter road, parking lot, and property maintenance practices. The written record shall include the type and rate of application of de-icing materials used, the dates of treatment, and the weather conditions for each event requiring de-icing. Such records shall be kept for a period of 3 years.*



January 20, 2010

The Honorable Judith T. Spang, Chairman  
Resources, Recreation, and Development  
Room 305  
Legislative Office Building  
Concord, NH 03301

**Re: HB 1676-FN, requiring certification of road salt applicators.**

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 1676, which would require annual certification of commercial road salt applicators. We all support the bill with a minor amendment described below.

We are working together to provide safe roads for the traveling public, which are critical to the economic vitality of the state and a healthy tourism economy, while minimizing environmental impacts from road salt. To accomplish this challenging joint mission requires the cooperation of our three departments as well as municipalities and private winter maintenance operators.

While providing our state with safe roads, another legacy of more than 50 years of road salt use in New Hampshire is polluted water. Chloride, which is toxic to aquatic life at certain thresholds, is highly soluble and mobile in groundwater. Often there is enough dilution in spring melt water to keep chloride below impairment levels, but when dilution is not enough, particularly in smaller streams and in lakes and ponds, waters become impaired over time.

Four watersheds in the southern I-93 corridor are impaired for chloride. During the past four years, DES has worked with DOT, the towns of Derry, Londonderry, Salem, and Windham, and other stakeholders to quantify the chloride loading in the impaired watersheds, the sources of chloride loading, and the salt load reductions needed to clean up the water. We found that, on average, about half of the salt loading is coming from private parking lots, roads, and driveways. And, on average, about ten percent of the chloride is from state roads and about 35% is from municipal roads.

In addition to the impaired I-93 watersheds, we have another 24 chloride-impaired waters in the state, indicating a widespread chloride problem.

While the DOT and the municipalities are working to address salt reduction, the private sector sources are too numerous and varied to effectively achieve salt load reduction without minimal requirements for training and reporting. In Minnesota, state officials found that a minimal level of training for private operators can readily achieve a 50% reduction in road salt application without jeopardizing safety. Reductions of this magnitude will be needed in some impaired watersheds. The training programs teach applicators how to use salt most effectively and to eliminate wasted salt.

We are currently working with the University of New Hampshire Technology Transfer Center to develop a training curriculum and to design software to allow easy reporting of salt use.

We suggest a minor amendment to the bill clarifying that certification applies only to commercial entities by adding the words in bold to the definition of “commercial applicator”:

I. “Commercial applicator” means any individual who uses or supervises the use of salt, other than a **municipal, state, or private** applicator as defined in paragraph IV of this section.

This amendment is consistent with the intent of the bill, which is to address the current gap in law governing winter maintenance operations. Currently, municipalities and the state are offered limited liability provided that they adopt and implement approved winter maintenance policies. This bill would provide consistent treatment by providing comparable limited liability protection for private applicators who meet annual certification requirements.

Thank you for the opportunity to comment on this important legislation. If you have any questions or need additional information, please contact Eric Williams, DES Watershed Assistance Section Supervisor, at 271-2358, Butch Knowlton, DOT Operations Director, at 271-1697, or Col. Frederick H. Booth, DOS Director of State Police at 271-2450.

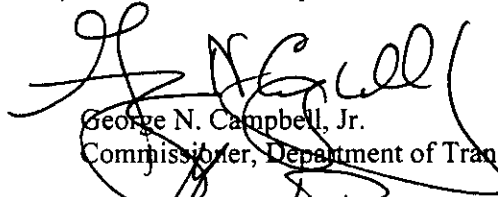
Sincerely,



Thomas S. Burack  
Commissioner, Department of Environmental Services



John J. Barthelmes  
Commissioner, Department of Safety



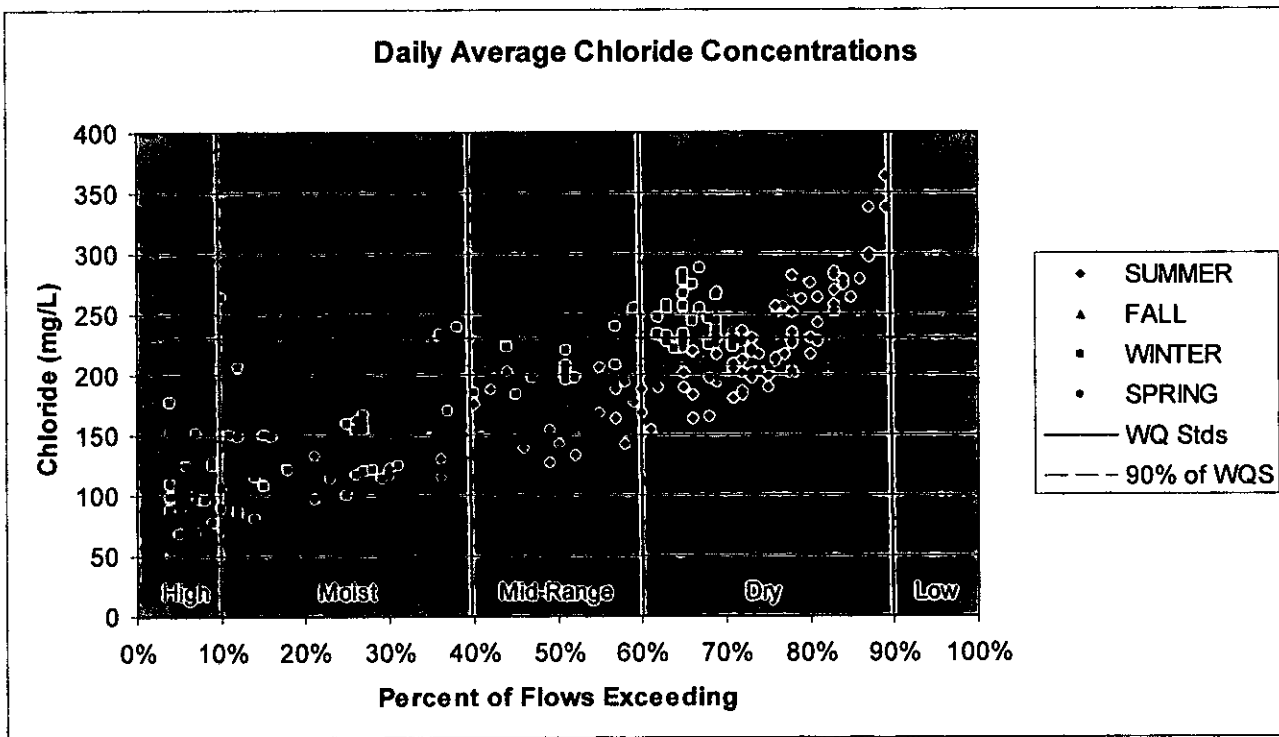
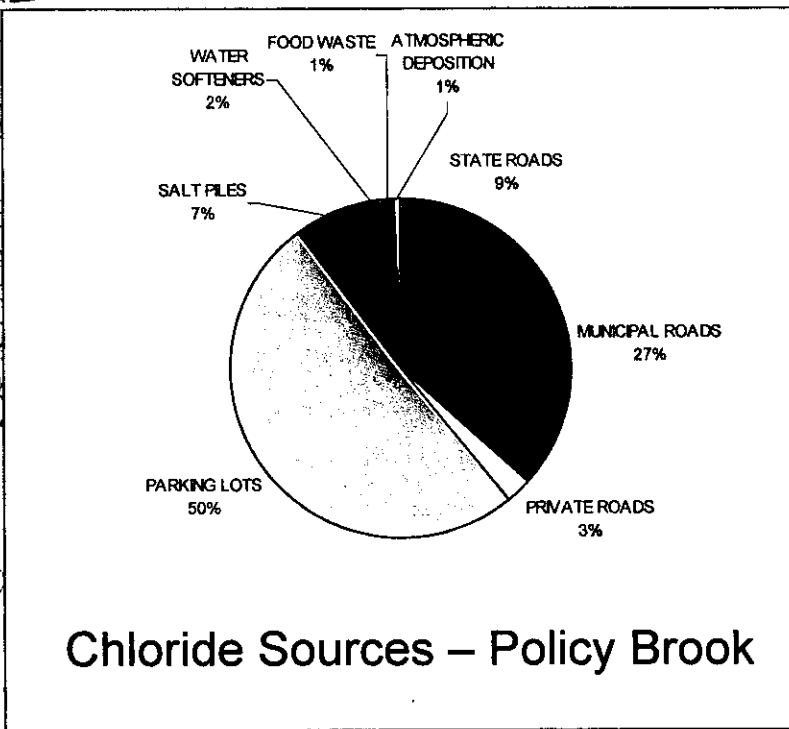
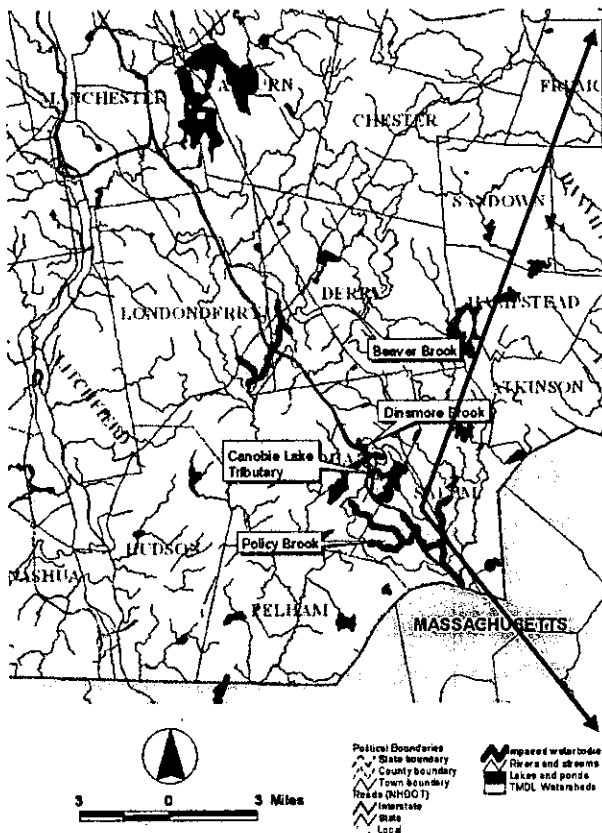
George N. Campbell, Jr.  
Commissioner, Department of Transportation



George Bald  
Commissioner, Department of Resources and  
Economic Development

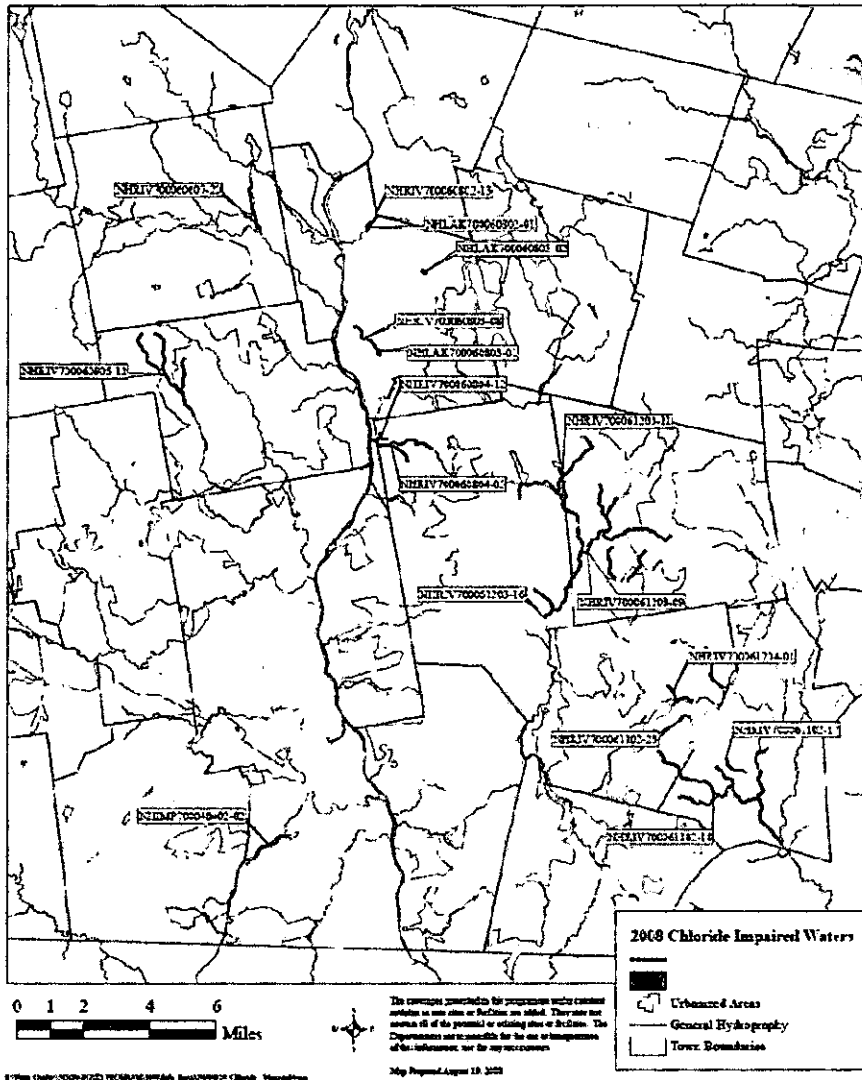
cc: Representative Margaret Crisler

# I-93 Chloride Impairment

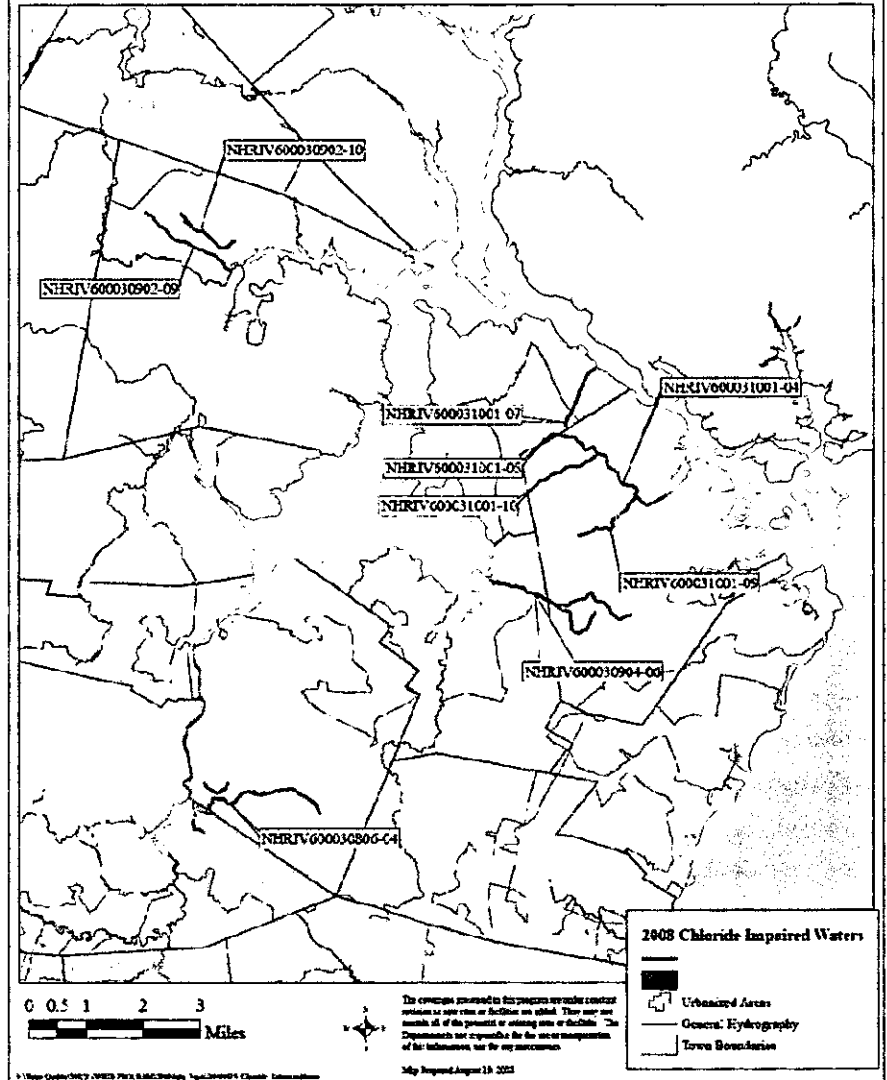


# Chloride Impairments – Southeastern New Hampshire

## 2008 Chloride Impaired Assessment Units - Detail 1



## 2008 Chloride Impaired Assessment Units - Detail 2



# TITLE LII ACTIONS, PROCESS, AND SERVICE OF PROCESS

## CHAPTER 507-B BODILY INJURY ACTIONS AGAINST GOVERNMENTAL UNITS

### Section 507-B:2-b

**507-B:2-b Snow, Ice, and Other Weather Hazards.** – Notwithstanding RSA 507-B:2, a municipality or school district shall not be liable for damage arising from insufficiencies or hazards on any premises owned, occupied, maintained, or operated by it, even if it has actual notice of them, when such hazards are caused solely by snow, ice, or other inclement weather, and the municipality's or school district's failure or delay in removing or mitigating such hazards is the result of its implementation, absent gross negligence or reckless disregard of the hazard, of a winter or inclement weather maintenance policy or set of priorities with respect to such premises, adopted in good faith by the official responsible for such policy. All municipal or school district employees, officials, and agents shall be presumed to be acting pursuant to such a policy or set of priorities in the absence of proof to the contrary.

**Source.** 1995, 109:2, eff. Jan. 1, 1996. 1998, 249:1, eff. Jan. 1, 1999.

# Voting Sheets



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** February 2, 2010

**LOB ROOM:** 305

**Amendments:**

Sponsor: Rep. Thomas & Moody OLS Document #: 2010 0440h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Thomas

Seconded by Rep. Moody

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1676-FN

BILL TITLE: requiring certification of road salt applicators.

DATE: 2/2/10

LOB ROOM: 305

Amendments:

Sponsor: Rep. *Thomas / Moody*

OLS Document #: *0416h*

Sponsor: Rep.

OLS Document #: *0440h*

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Thomas*

Seconded by Rep. *Moody*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

**RESOURCES, RECREATION AND DEVELOPMENT**

Bill #: 1676-FN Title: requiring certification of road salt application

PH Date: 1/1/2010

Exec Session Date: 2/2/10

Motion: OTP

Amendment #: 0440h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman		
Tupper, Frank A, V Chairman		
Parkhurst, Henry A. L.		
Moody, Marcia G		
Aguiar, James D		
Gottling, Suzanne H, Clerk		
<del>Hubbard, Pamela J</del> <i>Parter</i>		
Kepner, Susan R		
Thomas, Yvonne D		
Williams, Carol A	—	—
McClammer, Jim U		
Russell, David H		
Renzullo, Andrew		
Christensen, Chris		
Ahlgren, Christopher J	—	—
Kappler, L. Mike		
Spaulding, Jayne E		
Bolster, Peter S		
Howard, Thomas J	—	—
St. Cyr, Jeffrey L		
TOTAL VOTE:		

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 1676-FN Title: requiring certification of road

PH Date: 1 / 20 / 10

Exec Session Date: 2 / 2 / 10

Motion: OTPA

Amendment #: ~~0440h~~ 0440h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman		
Tupper, Frank A, V Chairman		
Parkhurst, Henry A. L.		
Moody, Marcia G		
Aguiar, James D		
Gottling, Suzanne H, Clerk		
<del>Hubbard, Pamela J</del> <u>Ponter</u>		
Kepner, Susan R		
Thomas, Yvonne D		
Williams, Carol A	—	—
McClammer, Jim U		
Russell, David H		
Renzullo, Andrew		
Christensen, Chris		
Ahlgren, Christopher J	—	—
Kappler, L. Mike		
Spaulding, Jayne E		
Bolster, Peter S		
Howard, Thomas J	—	—
St. Cyr, Jeffrey L		
TOTAL VOTE:		

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** February 4, 2010

**LOB ROOM:** 305

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Howard

Seconded by Rep. Russell

Vote: 19-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: NO**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** February 4, 2010

**LOB ROOM:** 305

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one) ~~\_\_\_\_\_~~

Moved by Rep. *Howard*

Seconded by Rep. *Russell*

Vote: *19-0* (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *NO regular calendar*

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 1676-FN Title: requiring certification of road palt applicatoes

PH Date: 1/1/10 Exec Session Date: 2/5/10

Motion: Interim Study Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Moody, Marcia G	✓	
Aguiar, James D	✓	
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J <u>Chandley</u>	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	✓	
McClammer, Jim U	✓	
Russell, David H	✓	
Renzullo, Andrew	✓	
Christensen, Chris	✓	
Ahlgren, Christopher J	✓	
Kappler, L. Mike	—	—
Spaulding, Jayne E	✓	
Bolster, Peter S	✓	—
Howard, Thomas J	✓	
St. Cyr, Jeffrey L	✓	
TOTAL VOTE:	109	0

# Committee Report



**REGULAR CALENDAR**

**February 4, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB1676-FN,**

**AN ACT requiring certification of road salt applicators.**

**Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.**

**Rep. Judith T Spang**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>RESOURCES, RECREATION AND DEVELOPMENT</b>
Bill Number:	<b>HB1676-FN</b>
Title:	<b>requiring certification of road salt applicators.</b>
Date:	<b>February 4, 2010</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>REFER TO COMMITTEE FOR INTERIM STUDY</b>

### STATEMENT OF INTENT

The department of environmental services provided convincing data that showed salt is a major source of water quality degradation. Ninety percent of municipal and state salt applicators are trained on how to do it properly. This bill seeks to assure that commercial applicators will also have this training, with certification serving to promote compliance. The committee feels the bill is close to achieving its goals, but needs a modest amount of additional work.

Vote 19-0.

Rep. Judith T Spang  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### RESOURCES, RECREATION AND DEVELOPMENT

**HB1676-FN**, requiring certification of road salt applicators. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. Judith T Spang for RESOURCES, RECREATION AND DEVELOPMENT. The department of environmental services provided convincing data that showed salt is a major source of water quality degradation. Ninety percent of municipal and state salt applicators are trained on how to do it properly. This bill seeks to assure that commercial applicators will also have this training, with certification serving to promote compliance. The committee feels the bill is close to achieving its goals, but needs a modest amount of additional work. **Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

## COMMITTEE REPORT

Committee:	<b>RESOURCES, RECREATION AND DEVELOPMENT</b>
Bill Number:	<b>HB1676-FN</b>
Title:	<b>requiring certification of road salt applicators.</b>
Date:	<b>February 4, 2010</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>REFER TO COMMITTEE FOR INTERIM STUDY</b>

### STATEMENT OF INTENT

The department of environmental services provided convincing data that showed salt is a major source of water quality degradation. Ninety percent of municipal and state salt applicators are trained on how to do it properly. This bill seeks to assure that commercial applicators will also have this training, with certification <sup>(as)</sup> enforcement. The committee feels it is ~~very~~ close to perfecting this bill and will offer a floor amendment with language that can be passed by the House.

*Serving to promote compliance*

~~over~~ the bill is close to achieving its goals, but needs a modest amount of additional work.

Vote 19-0.

Rep. Judith T Spang  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File



Interim Study Report for  
HB 1676

Recommended for ~~local~~  
Further ~~to~~ Legislation 11-4

The Committee recommends ~~that~~  
~~HB 1676~~ ~~is~~ ~~amended~~ ~~by~~ ~~the~~  
with ~~the~~ ~~amendment~~ <sup>previously</sup> ~~proposed~~.  
is ~~approved~~

HB 1676 with the amendment  
introduced to the Committee,

Excessive salt has had a well-documented  
serious environmental impact on  
NH's waters ~~and vegetation~~.

Training of applicators is seen as  
a key to solving this problem.

Frank Tupper 

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

INTERIM STUDY

EXECUTIVE SESSION on HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** October 26, 2010

**LOB ROOM:** 305

**RECOMMENDED FOR FUTURE LEGISLATION**

LSR No. \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

**NOT RECOMMENDED FOR FUTURE LEGISLATION**

Moved by Rep. Tupper

Seconded by Rep. Kappler

Vote: 11-4 (Please attach record of roll call vote.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Suzanne Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

INTERIM STUDY

EXECUTIVE SESSION on HB 1676-FN

**BILL TITLE:** requiring certification of road salt applicators.

**DATE:** October 26, 2010

**LOB ROOM:** 305

**RECOMMENDED FOR FUTURE LEGISLATION**

LSR No. \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

**NOT RECOMMENDED FOR FUTURE LEGISLATION**

Moved by Rep. *Trupper*

Seconded by Rep. *Happler*

Vote: *11-4* (Please attach record of roll call vote.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Suzanne Gottling, Clerk



RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 1676 FN Title: requiring certification of road salt applicators

PH Date:      /      /     

Exec Session Date: 10 / 26 / 10

Motion: recommended for future legislation Amendment #:     

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Moody, Marcia G	—	—
Aguiar, James D	—	—
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	—	—
McClammer, Jim U	✓	
Russell, David H		✓
Renzullo, Andrew		✓
Christensen, Chris		✓
Ahlgren, Christopher J		✓
Kappler, L. Mike	✓	
Spaulding, Jayne E	✓	
Bolster, Peter S	✓	
Howard, Thomas J	—	—
St. Cyr, Jeffrey L	—	—

TOTAL VOTE:  
Printed: 9/16/2010

11                      4