

Bill as
Introduced

SB 247-LOCAL - AS INTRODUCED

2012 SESSION

12-2924
06/09

SENATE BILL

247-LOCAL

AN ACT

relative to certifying municipal culvert installers.

SPONSORS:

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

COMMITTEE:

Public and Municipal Affairs

ANALYSIS

This bill authorizes the department of environmental services develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to certifying municipal culvert installers.

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

1 1 Excavating and Dredging Permit. Amend the introductory paragraph of RSA 482-A:3, XVI(a)
2 to read as follows:

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

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

12 XVII. Road agents and municipal public works employees who have been certified as
13 municipal culvert installers by the University of New Hampshire Technology Transfer Center may
14 maintain, repair, or replace any culverts up to a maximum diameter of 120 inches, and increase or
15 decrease the culvert diameter during replacement, within acceptable better management practices
16 parameters, without prior notification to the department. The department shall require an oral or
17 written examination or both to determine who may qualify for certification. Certification may be
18 suspended or revoked for just cause, including, but not limited to, the installation of culverts in
19 violation of this paragraph or the refusal by a certified installer to correct defective work. The
20 department shall not suspend or revoke certification except for just cause until the certified installer
21 has had an opportunity to be heard by the department. An appeal from such decision to revoke or
22 suspend certification may be taken pursuant to RSA 21-O:14. All certified individuals who perform
23 such culvert work shall submit a quarterly report to the department identifying their work for that
24 quarter.

25 XVIII. The department shall develop a certification program in conjunction with the
26 University of New Hampshire Technology Transfer Center for municipal culvert installers in
27 accordance with paragraph XVII, for the purposes of maintaining drainage infrastructure.

28 3 New Paragraph; Rulemaking. Amend RSA 482-A:31 by inserting after paragraph IV the
29 following new paragraph:

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

31 4 Effective Date. This act shall take effect 60 days after its passage.

SB 247-LOCAL - AS AMENDED BY THE SENATE

02/15/12 0675s

2012 SESSION

12-2924

06/09

SENATE BILL

247-LOCAL

AN ACT

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SPONSORS:

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

COMMITTEE:

Public and Municipal Affairs

AMENDED ANALYSIS

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5 practices for routine roadway maintenance in New Hampshire published by the department of
6 transportation, including culverts up to and including 48 inches in diameter or the functional
7 hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the
8 permitting requirements of this section for minimum impact activities, as defined by rules adopted
9 by the commissioner.

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

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

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

26 XIX. The department shall issue an installer's permit to any individual who submits an
27 application provided by the department, and has satisfactorily completed the program in accordance
28 with paragraphs XVII and XVIII. Permits shall be issued from January 1 and shall expire December
29 31 of every other year. Permits shall be renewable upon proper application, and documentation of
30 compliance with the continuing education requirement of paragraph XVIII. The installer's permit

SB 247-LOCAL - AS AMENDED BY THE SENATE

- Page 2 -

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

6 3 New Paragraph; Rulemaking. Amend RSA 482-A:31 by inserting after paragraph IV the
7 following new paragraph:

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

9 4 Effective Date. This act shall take effect upon its passage.

SB 247 FISCAL NOTE

AN ACT relative to certifying municipal culvert installers.

FISCAL IMPACT:

The Department of Environmental Services states this bill, as amended by the House (Amendment #2012-1632h), may increase state restricted expenditures by an indeterminable amount in FY 2012 and each year thereafter. There is no fiscal impact on county and local expenditures, or state, county and local revenue.

METHODOLOGY:

The Department of Environmental Services states this bill authorizes the Department to develop a municipal culvert installer's certification program. The Department states this would be a voluntary program that would provide an option to expedite the process for maintaining and replacing culverts on an as needed basis. The Department states since the program is new, it has no information to determine how many entities would choose to participate in the program to determine expenditures associated with the administration of the program. The Department states it would receive no revenue from the certification program.

SB 247-LOCAL - FINAL VERSION

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

2012 SESSION

12-2924
06/09

SENATE BILL **247-LOCAL**

AN ACT relative to certifying municipal culvert installers.

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

COMMITTEE: Public and Municipal Affairs

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6 hydraulic equivalent, and files an appropriate notice under subparagraph (b), shall satisfy the
7 permitting requirements of this section for minimum impact activities, as defined by rules adopted
8 by the commissioner.

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

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

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

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

SB 247-LOCAL - FINAL VERSION

- Page 2 -

1 compliance with the continuing education requirement of paragraph XVIII. The installer's permit
2 may be suspended, revoked, or not renewed for just cause, including, but not limited to, the
3 installation of culverts in violation of this chapter or the refusal by a permit holder to correct
4 defective work. The department shall not suspend, revoke, or refuse to renew a permit except for
5 just cause until the permit holder has had an opportunity to be heard by the department. An appeal
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10 4 Effective Date. This act shall take effect upon its passage.

LBAO
12-2924
Amended 05/08/12

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Amendments



Amendment to SB 247-LOCAL

1 Amend the bill by replacing section 2 with the following:

2

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

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27 just cause until the permit holder has had an opportunity to be heard by the department. An appeal
28 from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-0:14.

29

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

31

32 4 Effective Date. This act shall take effect upon its passage.



2012-0613s

AMENDED ANALYSIS

This bill authorizes the department of environmental services to develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.



Amendment to SB 247-LOCAL

1 Amend the bill by replacing section 2 with the following:

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27 just cause until the permit holder has had an opportunity to be heard by the department. An appeal
28 from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-0:14.

29

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

31

32 4 Effective Date. This act shall take effect upon its passage.



2012-0675s

AMENDED ANALYSIS

This bill authorizes the department of environmental services to develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.

Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

- Senator John Barnes, Jr. Chairman
- Senator Jeanie Forrester V Chairman
- Senator David Boutin
- Senator Amanda Merrill
- Senator Nancy Stiles

54 - 40

START: 9:40 Am
END: 10:34

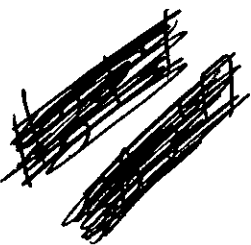
For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status



Date: January 25, 2012

HEARINGS

Tuesday

2/7/2012

PUBLIC AND MUNICIPAL AFFAIRS

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB225-FN-L	relative to fees for vital records.
9:20 AM	SB238	establishing a committee to assess the form of government in towns that have elected the official ballot referendum form of meeting.
9:40 AM	SB247-L	relative to certifying municipal culvert installers.
10:00 AM	SB248	relative to the installation of municipal culverts.
10:20 AM	SB261	relative to requirements for warrant articles.
10:50 AM	SB268	relative to the appointment of the treasurer of the Concord school district.

Sponsors:

SB225-FN-L

Sen. David Boutin
Rep. Irene Messier

Sen. Lou D'Allesandro

Rep. William Infantine

Rep. Patrick Long

SB238

Sen. Sharon Carson
Rep. Robert Theberge

Sen. John Barnes, Jr.

Rep. Timothy Copeland

Rep. Priscilla Lockwood

SB247-L

Sen. Jeanie Forrester
Rep. Gene Chandler

Sen. John Gallus

Sen. Amanda Merrill

Sen. Andy Sanborn

SB248

Sen. Andy Sanborn

Rep. Robert Greemore

Rep. Colette Worsman

SB261

Sen. Nancy Stiles
Rep. Chris Nevins

Rep. Kathleen Hoelzel
Rep. Andrew Renzullo

Rep. Frederick Rice
Sen. John Barnes, Jr.

Rep. James Waddell
Sen. Gary Lambert

SB268

Sen. Sylvia Larsen
Rep. Candace Bouchard

Rep. Stephen Shurtleff
Rep. Mary Gile

Sen. Lou D'Allesandro

Sen. Amanda Merrill

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on SB 247-LOCAL – relative to certifying municipal culvert installers.

HEARING DATE: February 7, 2012

MEMBERS OF THE COMMITTEE PRESENT: Senators Barnes, Forrester, Merrill, Boutin and Stiles.

MEMBERS OF THE COMMITTEE ABSENT: No one.

Sponsor(s): Senators Forrester, Gallus, Merrill and Sanborn; Representatives Chandler, Greemore and Worsman.

What the bill does: authorizes the Department of Environmental Services to develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.

Who supports the bill: Senators Forrester, Gallus and Odell; Representatives Chandler, Worsman and Charron; Attorney Cordell Johnston, New Hampshire Municipal Association; Charlie Goodspeed and William Meagher, University of New Hampshire Technology Transfer Center; Rene Pelletier, NH Department of Environmental Services; Craig Green, NH Department of Transportation; Margaret Watkins, NH Audubon Society; Alan Cote, Town of Derry; Michael Faller, Town of Meredith; John Trottier, Londonderry; Carl Quiram, Goffstown.

Who opposes the bill: Theodore Kupper, Provan & Lorber, Inc.

Summary of testimony received:

- Senator Barnes opened the hearing at 9:40 am and introduced the prime sponsor, Senator Forrester, who explained the bill was a collaborative effort between the Department of Environmental Services (“DES”), the Department of Public Works (“DPW”) and the University of New Hampshire’s (“UNH”)

Technology Transfer Center. It creates a volunteer certification program for road agents and the DPW to become certified in culvert repair, and authorizes quarterly reporting to DES. It will allow towns to move more quickly and efficiently, and lessen the burden on the DPW. Further refinements to the bill have been made resulting in Amendment #2012-0613s, which was distributed to committee members.

- Senator Boutin wondered if the program might be offered at community colleges around the state as well as the University, to lessen travel and overnight accommodation expenses.

- Theodore Kupper, a professional engineer with 25 years of experience, believes allowing culverts to be designed by non-engineers participating in a one-day certificate program is a serious deviation from the purpose of professional engineering licensure. Authorizing a culvert certification program also violates both RSA 310-A:2-b and RSA 310-A:11.

- A qualified professional engineer should be involved whether you call it “design” or “replacement” of a culvert. Professional engineers need to be involved in the design and operation of the built environment, not bypassed by certificate programs.

- Senator Merrill inquired as to whether Mr. Kupper had reviewed Senator Forrester’s amendment. Mr. Kupper indicated he had, but that his problem is with the certification program. If one culvert is replaced in the system, upsize it or downsize it, then the entire system has been changed. A certificate program is not intended to teach anyone about these systems.

- Rene Pelletier, Department of Environmental Services (“DES”), expressed the Department’s full support for the bill. He distributed language similar to Senator Forrester’s amendment, but his language includes a biennial \$80 permit fee to be paid to DES for expenses it will incur in administering the program. Senator Forrester stated she cannot support the \$80 fee proposed by DES.

- Currently, personnel involved in a routine roadway maintenance program can replace, repair or upsize up to a 48-inch culvert. Anything above a 48-inch culvert ought to have an engineer’s design, because that signals a historic, significant break in the watershed.

- This program was developed as a way to expedite the repair process. If personnel were out doing road work or repairs and found another culvert downstream that was rusted or corroded, this bill gives them the authority, if they were certified or an engineer, to make the decision to either replace or repair the culvert. They then would submit a quarterly report with certification.

- It is cost effective for municipalities to go through the UNH Technology Transfer Program. The training will give participants in the program the appropriate knowledge to enable certification.

- Senator Merrill sought clarification that DES would determine the requirements for certification and issue the permit. The original bill indicated UNH would certify. Mr. Pelletier stated individuals would take the course at UNH, take the exam and upon passage, apply to DES for certification. Once certified, an individual would be required to take Continuing Education Units ("CEUs"), to insure they keep current with best management practices.

- Professional engineers who are duly licensed by the New Hampshire Board of Professional Engineers are exempt from the program requirements. They can take advantage of the quarterly reporting as well.

- Michael Faller, Public Works Director for the Town of Meredith, supports Senator Forrester's amendment and opposes the proposed DES fee. He stressed it is vital to maintain these culverts and protect the environment.

- This bill does not prohibit a municipality or a state agency from obtaining assistance from a professional engineer if need be.

- Charlie Goodspeed of UNH introduced members of their training program to the committee. He then reviewed the history of the Technology Transfer Program. The culvert certification course will run 3-6 hours in length. Those that pass the exam will have their information forwarded to DES for certification. The University will not assume the liability of certification. They will offer retraining on an annual basis. The charge for the course will be approximately \$40-\$70. They anticipate the certification course will enroll approximately 15 individuals per course. The first course is slated to be given shortly after the bill takes effect.

- John Trottier, Assistant Public Works Director for the Town of Londonderry and a licensed civil engineer practicing for 25 years, favors the amendment and opposes the proposed fee. Municipalities will be able to perform culvert repair work in an expeditious, cost-effective and efficient manner.

- Carl Quiram, a public works official and professional engineer, indicated the 48-inch culverts currently being maintaining on farm and local roads are not designed systems. They are merely old pipes put across the road so that vehicles could pass through. DPW needs to be able to respond to these situations immediately.

- Mr. Quiram indicated that a coalition of various public works associations in the state also supports the bill.

- Craig Green of the Department of Transportation voiced support for the language offered by DES.

- Margaret Watkins of the NH Audubon Society, reminded committee members that streams are important corridors for wildlife, i.e., fish. It is environmentally important to have a well designed and properly installed culvert system over such streams. The Society supports certification of installers.

- Senator Barnes closed the hearing at 10:34 am.

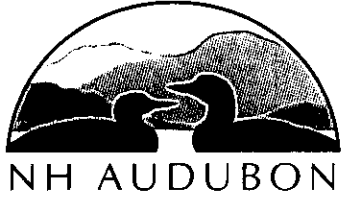
Action: Senator Stiles made a motion to adopt Amendment #2012-0613s. Senator Forrester seconded the motion. The vote was 5-0 in favor. Senator Stiles then made a motion of Ought to Pass with Amendment on SB 247-LOCAL. Senator Merrill seconded Senator Stiles' motion. The vote was 5-0 in favor. The committee then unanimously voted to place the bill on the Consent Calendar. Senator Forrester will report the bill out of committee.

dam

[file: SB 247-LOCAL report]
Date: February 8, 2012

Speakers

Testimony



7 February 2012

Sen. John Barnes, Jr., Chair
Senate Public and Municipal Affairs Committee
Room 101, LOB
Concord, NH 03301

STATEWIDE OFFICES

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Concord, N.H. 03301
PHONE 603-224-9909
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REGIONAL CENTERS

AMOSKEAG FISHWAYS

LEARNING CENTER

Fletcher Street
P.O. Box 330

Manchester, N.H. 03105

PHONE 603-626-3474

FAX 603-644-4386

Managed by NHA in partnership
with PSNH, the N.H. Fish and
Game Department, and the U.S.
Fish and Wildlife Service.

**MASSABESIC
AUDUBON CENTER**

26 Audubon Way

Auburn, N.H. 03032

PHONE 603-668-2045

FAX 603-668-3796

McLANE CENTER

84 Silk Farm Road

Concord, N.H. 03301

PHONE 603-224-9909

FAX 603-226-0902

**NEWFOUND
AUDUBON CENTER**

50 North Shore Road

P.O. Box 142

Hebron, N.H. 03241

PHONE 603-744-3516

FAX 603-744-1090

Dear Chairmen Barnes and Members of the Senate Public and Municipal
Affairs Committee,

I am writing on behalf of the Audubon Society of New Hampshire in
support of SB247-L. We are a statewide non-governmental organization
dedicated to protecting New Hampshire's environment for wildlife and for
people.

SB 247 authorizes the Department of Environmental Services to work with
the University of New Hampshire Technology Transfer Center to develop a
certification program for municipal culvert installers. This program would
ensure that culverts are installed and maintained in a way that provides safe
roadways and protects the ecological integrity of streams. It would also
benefit communities that employ certified installers by expanding the permit
by notification program to include larger culverts than at present.

*Not Amended
with
Amendment
+ with
Lee*

Culverts are essential features in our transportation network, and if designed
appropriately, can provide both effective drainage and safe passage up and
down stream for aquatic species, including fish, amphibians, reptiles,
invertebrates, and some small mammals. However, if they are improperly
designed and/or installed, culverts can prevent passage of aquatic wildlife
within stream corridors, resulting in drainages that are severely depleted in
native biodiversity. They are also more likely to cause serious damage during
major flooding events as a result of inadequate sizing, excessive erosion, or
other avoidable hydrologic phenomena.

New Hampshire currently has an estimated 17,000 culverts – a number that
is likely to increase in the foreseeable future. The potential for these
structures to allow the flow of water and survival of stream organisms
depends entirely on how they are designed, installed, and maintained.

We urge you to vote SB 247 Ought to Pass.

Sincerely,

Michael J. Bartlett, President

RENE FELLETTIER

ATTACHMENT TO
DES COMMISSIONER THOMAS BURACK LETTER OF TESTIMONY
TO SENATOR JOHN BARNES, JR. ON SB 247 DATED FEBRUARY 2, 2012

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

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

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

XVIII. The department shall develop an installer's certification program, in accordance with paragraph XVII, and shall determine the requirements for certification, including continuing education requirements, in accordance with a program jointly developed with the University of New Hampshire Technology Transfer Program. Professional Engineers who are duly licensed by the New Hampshire Joint Board of Licensure are exempt from the certification program requirements of this section. All certified individuals who perform such work, or certified individuals who are responsible for the work, shall submit a quarterly report to the department fully identifying the work that they performed during each quarter.

XIX. The department shall issue an installer's permit to any individual who submits an application provided by the department, pays a fee of \$80 and has satisfactorily completed the program in accordance with paragraphs XVII and XVIII. Permits shall be issued from January 1 and shall expire December 31 of every other year. Permits shall be renewable upon proper application, payment of a biennial permit fee of \$80, and documentation of compliance with the continuing education requirement of paragraph XVII. The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of culverts in violation of this subdivision or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. All fees shall be held in a non-lapsing fund identified as the wetlands and shorelands review fund established in RSA 482-A:3, III.

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

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

Effective Date. This act shall take effect 60 days after its passage.

Theodore Kupper, PE

Professional engineers are mandated by law in New Hampshire to protect life, health and property and to promote public safety. (**310-A:2 Definitions.** – III. "Practice of engineering" means any professional service or creative work requiring education, training, experience, and the application of advanced knowledge of mathematics and physical sciences, involving the constant exercise of discretion and judgment, to such services or work as consultation, investigation, evaluation, planning, design, responsible oversight of construction, and responsible oversight of operation, in connection with any public or private utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health, or property is concerned.)

This is an obligation that most professional engineers I know take seriously. It is important that this legislative body understand this professional obligation because I believe allowing culverts to be designed by non-engineers participating in a one-day certificate program is a serious deviation from the purpose of Professional Engineering Licensure. In fact, I believe authorizing a culvert certificate program also violates New Hampshire laws that are already on the books. (**310-A:2-b Jurisdiction of the Board of Professional Engineers; Regulation of Scope of Practice.** – No agency or subdivision of the state shall adopt any rule, regulation, standard, code, ordinance, or policy that restricts or limits the scope of practice of any licensed professional engineer, whose practice shall be within the sole jurisdiction of the board of professional engineers and **310-A:11 Licensure Required.** – No person shall practice engineering in this state... without a professional engineer's license issued under this subdivision.)

Conflict with existing State laws aside, the primary reason this culvert certificate program is so dangerous lies entirely with an understanding of how an engineer is educated and trained. Professional Engineers apply logic-based reasoning to the design of relatively simple components, that when these components are combined; they form a complex functioning system that performs to accomplish a particular goal. Buildings need masonry, steel, electrical, HVAC and plumbing systems to function properly. Wastewater treatment plants accept sewage and through mechanical and chemical processes, treat that sewage to form an effluent that can be returned to nearby rivers without any health implications. And so it is with storm drainage systems: Hydrology allows professional engineers to study the combination of rainfall, topography, soils, vegetation and impervious surfaces. Hydraulics allows professional engineers to study the flow of that rainfall over surfaces, in open drainage and finally in closed conduits. The unique quality of these professionally designed systems is that these relatively simple components work together so the outcome is the safeguard of life, health and property and to promote public safety and welfare. Change even one of the components of a designed system and the system may experience problems. The system may even fail catastrophically.

If a culvert "washes out" and the owner calls me to look at helping them with a replacement, I want to know why the culvert failed in the first place. Was it undersized? Was it installed incorrectly? What effect will a larger (even one-size up) culvert have on properties downstream? My point here is that a qualified professional engineer should be involved whether you call it "design" or "replacement". Remember that as PE's; we are

responsible for public safety. If a culvert fails and “washes out” the road you live on, will the fire truck or ambulance be able to get to your house to extinguish the fire, stop your heart attack or respond to a serious accident?

The general public has experienced this type of systems safety for over 100-years and has enjoyed safe air, road and rail services. We have enjoyed high-quality, safe drinking water and the lack of fatal sewage-borne diseases. We have experienced uniform and consistent safety in our buildings and on our bridges. New Hampshire towns and cities function regardless of the weather outside because of the storm drainage systems designed by Professional Engineers. These systems function invisibly to the general public without so much as a thought to the safety of the users. I would like to see this continue for another 100-years or longer. In order to do that, Professional Engineers need to be involved in the design and operation of the built environment not by-passed by certificate programs. Thank you.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: February 8, 2012

THE COMMITTEE ON Public and Municipal Affairs

to which was referred Senate Bill 247-LOCAL

AN ACT relative to certifying municipal culvert installers.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0675s

CONSENT CALENDAR VOTE: 5-0

Senator Jeanie Forrester for the Committee

This bill authorizes the Department of Environmental Services to develop a certification program in conjunction with the University of New Hampshire Technology Transfer Center for municipal culvert installers.

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of SB247

Docket Abbreviations

Bill Title: relative to certifying municipal culvert installers.*Official Docket of SB247:*

Date	Body	Description
1/1/2012	S	Introduced 1/4/2012 and Referred to Public and Municipal Affairs; SJ 1 , Pg.5
1/26/2012	S	Hearing: 2/7/12, Room 101, LOB, 9:40 a.m.; SC5
2/9/2012	S	Committee Report: Ought to Pass with Amendment #2012-0675s, 2/15/12; Vote 5-0; CC; SC7
2/15/2012	S	Committee Amendment 0675s; AA, VV; SJ 5 , Pg.125
2/15/2012	S	Ought to Pass with Amendment 0675s, MA, VV; OT3rdg; SJ 5 , Pg.125
2/22/2012	H	Introduced and Referred to Resources, Recreation and Development; HJ 20 , PG.1251
3/7/2012	H	Public Hearing: 3/12/2012 1:00 PM LOB 303
4/4/2012	H	Executive Session: 4/17/2012 1:00 PM LOB 305
4/18/2012	H	Committee Report: Ought to Pass with Amendment #1632h for April 25 (Vote 15-0; CC); HC 33 , PG.1920
4/18/2012	H	Proposed Committee Amendment #2012-1632h; HC 33 , PG.1950
4/25/2012	H	Amendment #1632h Adopted, VV; HJ 38 , PG.2147
4/25/2012	H	Ought to Pass with Amendment #1632h: MA VV; HJ 38 , PG.2147
4/25/2012	H	Referred to Commerce and Consumer Affairs; HJ 38 , PG.2147
5/1/2012	H	Public Hearing: 5/8/2012 10:45 AM LOB 302
5/2/2012	H	Full Committee Work Session: 5/8/2012 11:15 AM LOB 302
5/2/2012	H	Executive Session: 5/8/2012 1:15 PM LOB 302
5/10/2012	H	Committee Report: Ought to Pass for May 15 (Vote 15-0; CC); HC 37 , PG.2030
5/15/2012	H	Ought to Pass: MA VV; HJ 43 , PG.2282
5/23/2012	S	Sen. Barnes Moved Non-concur with House Amendment #1632h; Requests C of C, MA, VV
5/23/2012	S	President Appoints: Senators Forrester, Boutin, and Merrill
5/24/2012	H	House Accedes to Senate Request for Committee of Conference [Recessed from 5/17/2012 Session]
5/24/2012	H	Speaker Appoints: Reps Renzullo, C.Christensen, Russell, and Lovett [Recessed from 5/17/2012 Session]
5/25/2012	S	Committee of Conference Meeting: 5/29/2012, 12:30 p.m., Room 102, LOB
5/29/2012	H	Conferee Change: Rep Kappler Replaces Rep Russell
5/30/2012	H	Conference Committee Report #2012-2399c, House AM + New AM, Filed; HC 42 , PG.2264
6/6/2012	H	Conference Committee Report #2399c Adopted, VV
6/6/2012	S	Conference Committee Report 2399c; Adopted, VV

6/6/2012	H	Enrolled Bill Amendment #2511e Adopted
6/6/2012	S	Enrolled Bill Amendment #2012-2511e Adopted
6/6/2012	H	Enrolled
6/6/2012	S	Enrolled

NH House	NH Senate
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Other Referrals

May 29, 2012
 2012-2399-CofC
 06/01

Committee of Conference Report on SB 247-LOCAL, an act relative to certifying municipal culvert installers.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 482-A:3, XVIII as inserted by section 2 of the bill by replacing it with the following:

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

The signatures below attest to the authenticity of this Report on SB 247-LOCAL, an act relative to certifying municipal culvert installers.

Conferees on the Part of the Senate

Conferees on the Part of the House

 Sen. Forrester, Dist. 2

 Rep. Renzullo, Hills. 27

 Sen. Boutin, Dist. 16

 Rep. C. Christensen, Hills. 19

 Sen. Merrill, Dist. 21

 Rep. Kappler, Rock. 2

 Rep. Lovett, Sull. 4

June 12, 2012
2012-2511-EBA
08/03

Enrolled Bill Amendment to SB 247-LOCAL

The Committee on Enrolled Bills to which was referred SB 247-LOCAL

AN ACT relative to certifying municipal culvert installers.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 247-LOCAL

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 247-LOCAL

Amend section 1 of the bill by replacing line 1 with the following:

- 1 Excavating and Dredging Permit. Amend RSA 482-A:3, XVI(a)

COMMITTEE REPORT FILE INVENTORY

SB 247-L ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 06755 _____ - AMENDMENT # _____
 - AMENDMENT # 06135 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): AMENDED FISCAL NOTE 05/08/12
COMMITTEE OF CONFERENCE REPORT
ENROLLED BILL AMENDMENT

DATE DELIVERED TO SENATE CLERK

06/19/12

Debra A. Martore
BY COMMITTEE AIDE