

# Bill as Introduced

HB 355 - AS INTRODUCED

2011 SESSION

11-0234

05/09

HOUSE BILL

**355**

AN ACT enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

SPONSORS: Rep. Welch, Rock 8; Rep. Tholl, Coos 2

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill enables state and local fire and building officials to issue citations for violations of the fire code, electric code, fuel gas fitting regulations, and permissible fireworks regulations if they have been granted such enforcement authority by the commissioner of the department of safety.

This bill was requested by the department of safety.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

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

1 1 Duties of the Commissioner of the Department of Safety; Code Enforcement. Amend RSA 21-  
2 P:4, VII to read as follows:

3 VII. Have the discretion to grant authority to issue a citation for violations of fire safety  
4 rules adopted under RSA 153:4-a [~~and~~], RSA 153:5, ***RSA 153:28, and RSA 153:29-a*** to the state fire  
5 marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire-prevention~~] ***code***  
6 ***enforcement*** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A  
7 citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. ***Any***  
8 ***such officer may also be granted authority under the conditions set forth in RSA 21-P:14,***  
9 ***II(s) to issue a citation for violations of RSA 319-C and RSA 160-C.***

10 2 Effective Date. This act shall take effect on January 1, 2012.

# Amendments

Amendment to HB 355

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

2

3 1 Duties of the Commissioner of the Department of Safety; Code Enforcement. Amend RSA 21-  
4 P:4, VII to read as follows:

5 VII. Have the discretion to grant authority to issue a citation for violations of fire safety  
6 rules adopted under RSA 153:4-a [~~and~~], RSA 153:5, ***RSA 153:28, and RSA 153:29-a*** to the state fire  
7 marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire-prevention~~] ***code***  
8 ***enforcement*** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A  
9 citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24.  
10 ***Except as otherwise provided in RSA 106-C:6, any such officer may also be granted***  
11 ***authority under the conditions set forth in RSA 21-P:14, II(s) to issue a citation for***  
12 ***violations of RSA 319-C and RSA 160-C, provided that local law enforcement officials have***  
13 ***requested such assistance from the department of safety.***

14 2 Permissible Fireworks; Enforcement of Local Option. Amend RSA 160-C:5 to read as follows:

15 160-C:6 Local Option. Any municipality in the state, by action of its local legislative body or  
16 local governing body, may vote to allow or to prohibit, within that municipality, the issuance of  
17 permits or licenses to sell permissible fireworks or the display or possession of permissible fireworks.  
18 If the municipality has voted to prohibit the issuance of permits or licenses or the display or  
19 possession of permissible fireworks prior to the effective date of this section, such decision shall  
20 remain in effect unless subsequent action is taken under this section. ***Under no circumstances***  
21 ***shall state enforcement authority under RSA 21-P:4, VII apply to local ordinances adopted***  
22 ***under this section.***

23 3 Effective Date. This act shall take effect January 1, 2012.



2011-0268h

AMENDED ANALYSIS

This bill enables state and local fire and building officials to issue citations for violations of the fire code and fuel gas fitting regulations if they have been granted such enforcement authority by the commissioner of the department of safety.

The bill also permits state officials to issue citations for violation of the electric code and fireworks regulations if local law enforcement has requested such assistance.

NOT  
ADOPTED

Amendment to HB 355

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2

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4 P:4, VII to read as follows:

5 VII. Have the discretion to grant authority to issue a citation for violations of fire safety  
6 rules adopted under RSA 153:4-a [~~and~~], RSA 153:5, ***RSA 153:28, and RSA 153:29-a*** to the state fire  
7 marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire-prevention~~] ***code***  
8 ***enforcement*** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A  
9 citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24.  
10 ***Except as otherwise provided in RSA 106-C:6, any such officer may also be granted***  
11 ***authority under the conditions set forth in RSA 21-P:14, II(s) to issue a citation for***  
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17 permits or licenses to sell permissible fireworks or the display or possession of permissible fireworks.  
18 If the municipality has voted to prohibit the issuance of permits or licenses or the display or  
19 possession of permissible fireworks prior to the effective date of this section, such decision shall  
20 remain in effect unless subsequent action is taken under this section. ***Under no circumstances***  
21 ***shall state enforcement authority under RSA 21-P:4, VII apply to local ordinances adopted***  
22 ***under this section.***

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2011-0268h

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This bill enables state and local fire and building officials to issue citations for violations of the fire code and fuel gas fitting regulations if they have been granted such enforcement authority by the commissioner of the department of safety.

The bill also permits state officials to issue citations for violation of the electric code and fireworks regulations if local law enforcement has requested such assistance.



Rep. Pratt, Hills. 7  
March 9, 2011  
2011-0761h  
04/05

Amendment to HB 355

1 Amend RSA 21-P:4, VII as inserted by section 1 of the bill by replacing it with the following:

2

3 VII. Have the discretion to grant authority to issue a citation for violations of fire safety  
4 rules adopted under RSA 153:4-a [~~and~~], RSA 153:5, *RSA 153:28, RSA 153:29-a, and RSA 160-C* to  
5 the state fire marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire~~  
6 ~~prevention~~] *code enforcement* officer who meets the qualifications established pursuant to RSA 21-  
7 P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA  
8 153:24. *Any such officer may also be granted authority under the conditions set forth in*  
9 *RSA 21-P:14, II(s) to issue a citation for violations to an unlicensed person pursuant to*  
10 *RSA 319-C and RSA 329-A.*

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 2/10/11

**LOB ROOM:** 306      **Time Public Hearing Called to Order:** 9:00 am

**Time Adjourned:** 6:15 am

(please circle if present)

**Committee Members:** Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, Whitehead, Hansen, Proulx, P. Schmidt, Pilotte, Judy and Sullivan.

**Bill Sponsors:** Rep. Welch, Rock 8; Rep. Tholl, Coos 2

TESTIMONY

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

Rep. Welch Introduced Bill

Rep. Pilotte – Process? Do firemen have to respond to every fire?

**John Raymond** – State Fire Marshall (Asst. Director)  
Local Fire Chief in each town – if citation is needed will have to be drawn up by Police Chief

Rep. Pilotte – What happens to citations?

**John Raymond** – Will be fined and in court system – Hold 5 years then destroyed

Rep. Hansen – Is there a training issue?

**John Raymond** – Not training issue – It's qualifications  
Fire marshal, police chief, building inspectors being set up to give citations  
17 in training

Rep. Bowers – Who can train?

**John Raymond** – Issues authority to fire chiefs right now

Rep. Winter – Expanding authority to building officials

Rep. Hawkins – How many building citations yearly?

**John Raymond** – 20-25 yearly

Rep. Whitehead – Are they paid?

**John Raymond** – Some are

Rep. Day – Training mandatory?

**John Raymond** – No

Rep. Hawkins – Range of fines or fixed

**John Raymond** – Usually \$50-\$250

Rep. Hansen – Who?

**John Raymond** – Thinks you can get rid of BDS eventually

Rep. Gimas – Does have disciplinary channels in state – For disciplinary issues/actions doesn't want to see safety regulation for raising money for state

Rep. Winter – Fees?

Rep. Day – Training – to give more knowledge

Rep. Gimas – Matter of in-house training at Department of Safety for these inspectors

Rep. Proulx – Who issues citation?

Rep. Gimas – Code Enforcement Officer

Rep. Christensen – Boards have Prof. (Plumbing, Electrical, Etc.)

2 types firework – Checked by coming into country – Amend for fire marshal to come into town to check

(Population 3,200 – Fire chief checks)

**Don Mendzela** – What is a minor citation? ITL bill

**Richard Wood, Pres. Fire Prevention Society** – Amendment – Fines set on maximum allowed and determined by judge – asking for local officials

Rep. Day – Who does these inspections? Authority grants statutes that you have training and certification

**Henry J. Szvmiesz** - Licensed electrician – Why are people without training doing inspections?

**Tedd Evans** – Primary concern – Unlicensed people cause most problems

**Joe Casey** – Feels that licensed people, not fire chiefs, should hand out citation because of being more experienced

Rep. Pilotte – Disciplinary options do not include boards

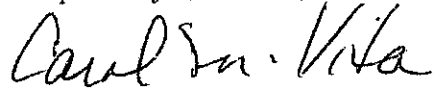
Joe Casey – No

Steven Rancourt – Why are we here?

Gary Abbott – Associated General Contractors of NH

This bill opens door for more citations that should not be done – Who would citation go to?

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol M. Vita". The signature is written in black ink and is positioned above the typed name.

Carol M. Vita, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 2/10/11

**LOB ROOM:** 306

**Time Public Hearing Called to Order:** 9:00

**Time Adjourned:** 10:15

(please circle if present)

**Committee Members:** Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, P. Brown, Hansen, Proulx, P. Schmidt, Pilotte, Jeudy and Sullivan.

WHITEHEAD

**Bill Sponsors:** Rep. Welch, Rock 8; Rep. Tholl, Coos 2

TESTIMONY

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

REP WELCH - INTRO -

JOHN RAYMOND - STATE FIRE MARSHALL (ASST DIR)

\* REP JOHN GIMAS

PER LARS CHRISTENSEN

O DON MENDZELA -

RICHARD WOOD - Pres FIRE PREVENTION SOCIETY

O HENRY SZUMIERSZ - LIC. ELECTRICIAN

TED EVANS - (PARTIALLY IN FAVOR OF BILL)

JOE CASEY - IBEW

STEVE RANCOURT - ECBA

O JOHN ELA - EARLY HOMES

O GARY ABBOTT - ASSO GENERAL CONTRACTORS ONH



only 17 Fire Chiefs - Towns

PILOTTE - Process? Does Fire have to respond to every fire

Raymond - Local Fire Chief in a town - if citation is needed will have to be drawn up by Police Chief

~~PILOTTE~~ Do citations involve

RAYMOND CITATIONS FOR

PILOTTE WHAT HAPPENS TO CITATIONS

RAYMOND WILL BE FINED IN COURT SYSTEM 400 EYES THEN DESTROYED

HANSON IS THERE A TRAINING ISSUE - THIS TO DO SO

RAYMOND NOT TRAINING ISSUE - IT'S QUALIFICATIONS  
FIRE MARSHALL, POLICE CHIEF NOW BLDG INSPECTORS  
BEING SET UP TO GIVE CITATIONS  
17 IN TRAINING

BOWERS - WHO CAN TRAIN

RAYMOND ISSUES AUTHORITY TO FIRE CHIEFS RIGHT NOW

WINTERS EXPANDING AUTH. TO BLDG OFFICIALS

HAWKINS HOW MANY BLDG CITATIONS YEARLY

RAYMOND 20-25 YEARLY

WHITEHEAD ARE THEY PAID

RAYMOND SOME ARE

DAY ARE TRAINING MANDATORY?

RAYMOND NO

HAWKINS RANGE OF FINES OR FIXED

RAYMOND USUALLY \$50-250

PILOTTE B /

# CODE SUR COMMITTEE

- HANSEN WHO -  
RAYMENTS THINKS YOU CAN  
GET RID OF BIDS EVENTUALLY
- ~~STATE~~ REP GIMAS - DOES HAVE DISCIPLINARY CHARGES IN  
STATE - FOR DISCIPLINARY ISSUES/ACTIONS  
DONT WANT TO SEE - SAFETY REGULATION FOR  
RAISING MONEY FOR STATE  
WINTER FEES?
- DAY TRAINING - TO GIVE MORE KNOWLEDGE  
GIMAS - MATTER OF IN HOUSE TRAINING AT DEPT OF SAFETY  
FOR THESE INSPECTORS
- PROULY WHO ISSUES CITATION  
GIMAS CODE ENFORCEMENT OFFICER
- REP CHRISTENSEN - BIDS HAVE PROF. (PLUMBS, ELEC, ETC)  
2 TYPES FIREWORK - CHECKED BY COMING INTO  
COUNTRY - AMEND FOR FIRE MARSHALL TO COME -  
(<sup>DEPUTY</sup> 500 - FIRE CHIEF CHECKS) - INTO TOWN TO CHECK  
WHAT IS A  
MENDZELA MINOR CITATION? ITL BILL
- WOOD - AMENDMENT - FINES SET ON MAXIMUM ALLOWED  
& DETERMINED BY JUDGE - ASKING FOR LOCAL  
OFFICIALS TO
- DAY WHO DOES THESE INSPECTIONS?  
AUTHORITY GRANTS STATUTES THAT YOU  
HAVE TRAINING & CERTIFICATION
- (1) SZYMIESZ WHY ARE PEOPLE WITHOUT TRAINING DOING INSPECTIONS?  
EVANS PRIMARY CONCERN - UNLICENSED PEOPLE CAUSE MOST  
PROBLEMS
- CASEY FEELS - THAT LIC. PEOPLE - NOT FIRE CHIEFS SHOULD

~~THE~~ CODE SUR COM.

HAND OUT CITATION ~~DO~~ BECAUSE OF ~~BEING~~ BEING MORE EXPERIENCED

PLLOTTE  
CASEY

DISCIPLINARY OPTIONS DO NOT INCLUDE BOARDS?  
NO

RANCOURT -  
ABBOTT -

~~NO CHANGE~~ WHY ARE WE HERE?

<sup>THIS BILL</sup>  
OPENS DOOR FOR MORE CITATIONS THAT SHOULD NOT BE DONE - WHO WOULD CITATION GO TO?  
~~WOULD TRY TO P.~~

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON ~~SB 111 FN~~

HB 355

BILL TITLE: relative to state-owned vehicle fleet management.

DATE: 3-10-12

LOB ROOM: 306

Time Public Hearing Called to Order:

Time Adjourned: 11:00

(please circle if present)

Committee Members: Reps. McGuire, Hawkins, P. Brown, Sytek, Day, Pratt, Vita, Perkins, Winter, Bowers, Hansen, Proulx, Whitehead, P. Schmidt, PNotte, Judy and Sullivan

Bill Sponsors: Sen. Morse, Dist 22; Sen. Rausch, Dist 19; Sen. Bradley, Dist 3; Sen. D'Allesandro, Dist 20; Rep. Weyler, Rock

TESTIMONY

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

# REVIEW OF NEW DOS RULES FROM HR 365 (1102.015.5)

## APPLICATION OF FIRE + SAFETY RULES

### FIRE SAFETY FOR APPLICABLE RULES

REP HANSON - POLICE OFFICER CAN GIVE CITATION -  
NO - FIRE GAS, ~~AND~~ BUILDING INSPECTORS  
- ANY INSPECTOR WHO HAS GONE THRU  
POLICE ACADEMY

REP WINTER - CAN A POLICE OFFICER WRITE CITATION  
IF THEY DON'T HAVE A

REP DEGWAN - YES  
REP WINTER - LENGTH?

DEGWAN - IF TRANSFERRED TO ANOTHER FIRE STATION  
- HAS TO BE RECERTIFIED AFTER THEY  
LEAVE  
~~AS SOO~~  
- AS LONG AS YOU GET 100 POINTS - YOU'RE  
IN

- MUST HAVE EDUCATIONAL BACKGROUND  
FIRE SAFETY RULES ARE ALREADY IN PLACE

PILOTTE - AFTER PERSON'S HEARING DO THEY FOR A CITATION

PARCIA - NO - PEOPLE DON'T NEED A HEARING  
~~WILL IT~~

DEGWAN - GOOD SUGGESTIONS MADE + OPPORTUNITY (Bill 4B 358)

REP HANSON - WE FOUND A COUPLE OF THINGS WE  
HAVE TO CHANGE - WILL THIS BE AMENDED

REP PILOTTE - IT HAS TO GO BACK TO AGENCY

# Sub-Committee Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 2/10/11

**Subcommittee Members:** Reps. Prati, Proulx, Sullivan, Winter, Whitehead, Hawkins

**Comments and Recommendations:**

**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:

Recess until 2/24/11 @ 2:00 pm

Respectfully submitted,

Rep. Kenneth Hawkins  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 2/10/11

**Subcommittee Members:**

Reps. Pratt/Proulx, Sullivan, Winter, Whitehead

*Hawkins*

**Comments and Recommendations:**

**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:

*Recess 2/24/11 2 PM*

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 2/24/11

**Subcommittee Members:** Reps. Pratt, Whitehead, Winter, Proulx

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. Calvin Pratt OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Pratt

Seconded by Rep. Whitehead

Vote: 4-0

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

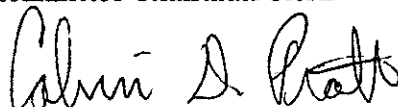
Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Calvin Pratt  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB355

BILL TITLE:

DATE: 2-24

Subcommittee Members: Reps. PRATT, WHITEHEAD, WINTER, PROULX

Comments and Recommendations:

Amendments:

Sponsor: Rep. CALVIN PRATT OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. PRATT

Seconded by Rep. WHITEHEAD

Vote: 4-0

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Testimony



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

**Division of Fire Safety**

**Office of the State Fire Marshal**

J. William Degnan, State Fire Marshal

Office: 110 Smokey Bear Blvd., Concord, NH

Mailing Address: 33 Hazen Drive, Concord, NH 03305

PHONE 603-223-4289, FAX 603-223-4294 or 603-223-4295

TDD Access: Relay NH 1-800-735-2964 ARSON HOTLINE 1-800-400-3526



JOHN RAYMOND

**Executive Departments and Administration**

**HB 355**

**Good morning Madam Chairman McGuire and honorable members of the committee. For the record my name is John Raymond, Assistant Director of the State Fire Marshal's Office. The Office of the State Fire Marshal's Office supports this bill.**

**[This bill is enabling state and local fire and building officials to issue citations for violations of the fire code and for fireworks, gas fitting, and electrical code violations.]**

**Passing this bill will reduce travel time; hours spent issuing the citation and court time. The state fire investigators, mechanical inspectors and electrical inspectors have been issuing and assisting in issuing citations for cities and towns throughout the state. All fire investigators, mechanical inspectors and electrical inspectors within the State Fire Marshal's Office are trained and qualify for issuing citations for violations. There are only seventeen fire chiefs and or fire inspectors that have been trained and qualify for issuing citations within their own cities and towns. This bill would speed up the issuing of the citation by the local officials. It has been up to five days for some one from our office to respond as they are tied up assisting other communities.**

**The requirements for issuing citations are outlined in 21-P:4 section VII and Saf-C 1101.02.**

**We would like to add an amendment (See attachment) to this bill to include the plumbing inspectors. The plumbing inspectors were not part**

**of the Department of Safety when this was discussed with the bill sponsor.**

**We request your support in this bill with amendment.**

05/09

WOOD

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

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

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2 Effective Date. This act shall take effect 60 days from date of passage.

Deleted: on January 1, 2012

SZUMIESZ

House of Representatives  
House ED & A Committee

2/10/11  
Re: HB 355

Good Morning Chairman McGuire,

My name is Henry Szumiesz and resides in Penacook NH. I'm a license electrician for the State of NH and work for one of the largest electrical contractors in the state. I am also the former Chairman of the Electrician Board.

I would like to start by saying; I'm not in favor of HB 355 as it is currently written. This bill would allow the local fire and building officials to issue citations for violations of the fire code, fire works gas fitting and electrical code.

The first reason for my objection to this bill is it would circumvent the established law RSA 319 that has been in place since the 1970's. The current statute grants authority to a five member board to conduct disciplinary action's for electrical code violations thru a hearing process. This board is made up of three professional license electricians and two public members. Being a former member of this board, I would say it is a very fair way to assure the safety of our state and for an electrician to plead his case on a violation that may not have been.

The 2<sup>nd</sup> reason for my objection is that this bill would allow non license people who have no electrical training or any knowledge of electrical code or changes that take place every three years, the ability to write a citation. How can someone who has not gone through 4 years of apprenticeship, then tested for the journeyman license and work at least another year in the field to be able to test for the masters electrician license, have the knowledge to say you are in violation of the national electrical code.

This bill does not offer anymore safety to our state in the installation of electrical work. It is just another level of generating cash flow to who ever this bill will give authority to do so.

Another point I would like to make, is if this bill passes as it is written, disciplinary action against electrician would be by citation of local officials and by hearing of the electrician board. Why do we need another level of punishment? Is our trade in such disarray that disciplinary actions need to be ratcheted up?

In closing it is my hope this bill ITL for it serve no true purpose in bettering our state. I have also attached a copy of the current electrical law that deals in disciplinary action. Thank you for your time in hearing my testimony, I am open for any questions you may have.

Henry Szumiesz  
Electrical license # 6342J

**319-C:12 Disciplinary Action. –**

I. The board may undertake disciplinary proceedings:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which charges that a person certified or registered by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certificate to practice under this chapter;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the certificate holder;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter;

(g) Willful or repeated violation of the provisions of this chapter; or

(h) Suspension or revocation of a certificate, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation or restriction of certification for a period of up to 5 years;

(c) By revocation of certification;

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient.



WA CH

***Draft Amendment to HB 355 adding RSA 329-A:14 and RSA 329-A:15 the Plumbing Codes***

- VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a [~~and~~], RSA 153:5, ***RSA 153:28, RSA 153:29-a and RSA 329-A:14 and RSA 329-A:15*** to the state fire marshal or his designee, or to any fire chief, fire investigator, fire inspector or [~~fire prevention~~] ***code enforcement*** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. ***Any such officer may also be granted authority under the conditions set forth in RSA 21-P:14, II(s) to issue a citation for violations of RSA 319-C, RSA 329-A, and RSA 160-C.***

2 Effective Date. This act shall take place upon passage

Dear Chairman McGuire and Members of the Committee.

My Name is Representative John Gimas from Hillsborough county district 12, serving ward 5 in Manchester.

I am here to oppose HB355 which is an attempt by the Department of Safety to impose fines and levies for industries they oversee in order to create a revenue stream.

As we all know, small businesses are the backbone of employment in the state of New Hampshire. Overregulating and potentially fining and taxing them will only make them reluctant to expand and provide more jobs and hinder their ability to pay the taxes that are already required of them. In 2009, the Department of Safety submitted similar legislation ( HB405) in an attempt to fine electricians for electrical code violations, even though disciplinary and enforcement criteria already exist via RSA 319-C. This attempt to create additional fines for the same actions to create departmental revenue will only further discourage businesses from creating more employment opportunities here in New Hampshire. State agencies need to stop interfering with small businesses in the state and allow them to operate without the constant and unnecessary overregulation that only hinders their growth and ultimately our state's ability to provide jobs for our citizens.

I urge the committee to find HB 355 inexpedient to legislate, so the citizens of New Hampshire can operate their businesses without the fear of the state instituting new regulations and fiscal restraints.

Sincerely,

Representative John Gimas  
Hills 12

HB 355 - AS AMENDED

2011 SESSION

11-0234

05/09

HOUSE BILL 355

AN ACT enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

SPONSORS: Rep. Welch, Rock 8; Rep. Tholl, Coos 2

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill enables state and local fire and building officials to issue citations for violations of the fire code, electric code, fuel gas fitting regulations, and permissible fireworks regulations if they have been granted such enforcement authority by the commissioner of the department of safety.

This bill was requested by the department of safety.

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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.

11-0234

05/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

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

1 Duties of the Commissioner of the Department of Safety; Code Enforcement. Amend RSA 21-P:4, VII to read as follows:

VII. Have the discretion to grant authority to issue a citation for violations of fire safety rules adopted under RSA 153:4-a [and], RSA 153:5, ***RSA 153:28, RSA 153:29-a*** and RSA 160 C, to the state fire marshal or his designee, or to any fire chief, fire investigator, fire inspector or [fire prevention] ***code enforcement*** officer who meets the qualifications established pursuant to RSA 21-P:14, II(s). A citation for violations under this paragraph shall carry the penalty set forth under RSA 153:24. ***Any such officer may also be granted authority under the conditions set forth in RSA 21-P:14, II(s) to issue a citation for violations to a non licensed person pursuant to, RSA 319-C and RSA 329-A.***

Deleted: and

Deleted: of

Deleted: 160-C

2 Effective Date. This act shall take effect on January 1, 2012.

# Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 3/9/11

**LOB ROOM:** 306

**Amendments:**

Sponsor: Rep. Pratt	OLS Document #:
Sponsor: Rep. Proulx	OLS Document #:
Sponsor: Rep.	OLS Document #:

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

Moved by Rep. Pratt

Seconded by Rep. Proulx

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. Carol Vita, Clerk

*Rep. Carol Vita*

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 355

**BILL TITLE:** enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.

**DATE:** 3/9/11

**LOB ROOM:** 306

**Amendments:**

Sponsor: Rep. *PRATT* OLS Document #:  
Sponsor: Rep. *PROVLY* OLS Document #:  
Sponsor: Rep. OLS Document #:

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

Moved by Rep. *PRATT*

Seconded by Rep. *PROVLY*

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. Carol Vita, Clerk

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 355 Title: FIRE & BLDG OFFICERS TO ISSUE CITATIONS FOR VIOLATIONS OF FIRE SAFETY CODES

PH Date: 2/10/11 Exec Session Date: 2/10/11

Motion: \_\_\_\_\_ Amendment #: DJLGH 0761H

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman	✓	
Sytek, John J	✓	
Day, Russell C	A	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	
Vita, Carol M, Clerk	✓	
Perkins, Lawrence B	✓	
Winter, Steven J	✓	
Bowers, Spec	✓	
Hansen, Peter T	✓	
Proulx, Mark L	✓	
Whitehead, Randall A	✓	
Schmidt, Peter B	A	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J	✓	

TOTAL VOTE: 15 0  
 Printed: 1/28/2011



EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 355 Title: FIRE BLDG OFFICERS TO ISSUE CITATIONS FOR VIOLATIONS OF FIRE SAFETY CODES

PH Date: 2, 10, 11

Exec Session Date: 3, 10, 11

Motion: OTP/A

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman	✓	
Sytek, John J	✓	
Day, Russell C	A	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	
Vita, Carol M, Clerk	✓	
Perkins, Lawrence B		✓
Winter, Steven J	✓	
Bowers, Spec		✓
Hansen, Peter T		✓
Proulx, Mark L	✓	
Whitehead, Randall A	✓	
Schmidt, Peter B	A	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J	✓	

TOTAL VOTE:

12

3

# Committee Report

**REGULAR CALENDAR**

**March 10, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on EXECUTIVE DEPARTMENTS AND  
ADMINISTRATION to which was referred HB355,**

**AN ACT enabling state and local fire and building  
officials to issue citations for violations of the fire code,  
and for fireworks, gas fitting, and electric code  
violations. Having considered the same, report the  
same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Calvin D Pratt**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>EXECUTIVE DEPARTMENTS AND ADMINISTRATION</b>
Bill Number:	<b>HB355</b>
Title:	<b>enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations.</b>
Date:	<b>March 10, 2011</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill clearly delineates this authority of fire marshals to cite unlicensed individuals for fire safety violations under the authority of the professional boards.

Vote 12-3.

Rep. Calvin D Pratt  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**REGULAR CALENDAR**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB355**, enabling state and local fire and building officials to issue citations for violations of the fire code, and for fireworks, gas fitting, and electric code violations. **OUGHT TO PASS WITH AMENDMENT.**

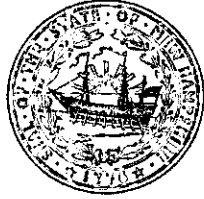
Rep. Calvin D Pratt for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill clearly delineates this authority of fire marshals to cite unlicensed individuals for fire safety violations under the authority of the professional boards. **Vote 12-3.**

HB 355

This bill clearly delineates this authority of fire marshals to cite unlicensed individuals for fire safety violations under the authority of the professional boards.

Rep. Calvin D. Pratt for the Committee

A handwritten signature in black ink, appearing to read "Calvin D. Pratt". The signature is written in a cursive style with a large initial "C" and "P".



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HB 355

This bill clearly delineates the authority of Fire Marshals to cite unlicensed individuals for fire safety violations while leaving other similar violations under the authority of the professional bodies.

C. D. Pratt

# COMMITTEE REPORT

COMMITTEE: ED + A

BILL NUMBER: HB 355

TITLE: II

DATE: 3/10 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
0761H

**STATEMENT OF INTENT:**

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COMMITTEE VOTE: 12-3

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,  
Rep. \_\_\_\_\_  
For the Committee