

Bill as Introduced

HB 1286 - AS INTRODUCED

2012 SESSION

12-2411
08/10

HOUSE BILL **1286**

AN ACT relative to the installation of sprinklers.

SPONSORS: Rep. Mirski, Graf 10; Rep. Burt, Hills 7

COMMITTEE: Public Works and Highways

ANALYSIS

This bill prevents the fire marshal from requiring sprinklers in a public building where there is inadequate water supply.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the installation of sprinklers.

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

1 1 Sprinklers; Inadequate Water Supply. Amend RSA 153:5 to read as follows:

2 153:5 Rules. The state fire marshal shall adopt rules, with the approval of the commissioner of
3 safety, to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this
4 chapter and such applicable fire safety and building laws as he shall deem necessary for the
5 protection from fire and fire hazards for people in the state and for the general welfare of property
6 and people within the state. The rules may include, but not be limited to, the keeping, storage, use,
7 manufacture, sale, handling, transportation, or disposal of highly flammable materials and rubbish,
8 and of flammable fluids and compounds and flammable tablets and may include standards for the
9 materials and construction of receptacles and buildings to be used for any of these purposes. The fire
10 marshal may adopt the most recent edition of the provisions of the national fire protection
11 association code or other recognized codes as rules, in whole or in part; however, such rules shall not
12 require automatic suppressant or sprinkler systems in detached one- or 2-family dwelling units in a
13 structure used only for residential purposes, in areas of buildings or additions in which the discharge
14 of water would be undesirable as determined by the state fire marshal, *in buildings where the fire*
15 *marshal deems there is inadequate public water supply for a sprinkler system*, or in rooms
16 or areas containing either generators, transformers, telecommunications equipment or facilities, or
17 electronic data processing equipment, or in telecommunications or electric utility company
18 equipment buildings or areas occupied exclusively for telecommunications equipment, electrical
19 transformation and switching equipment, associated electrical distribution equipment, batteries, and
20 standby engines or generators, provided that those spaces or areas are equipped throughout with an
21 automatic fire detection system. The rules shall apply to the construction and remodeling of
22 buildings and structures for the containment of flammable liquids and to the new installation and
23 replacement of equipment used in connection with flammable liquids. The rules shall apply to
24 existing buildings, structures, or equipment. The fire marshal may exempt a building, structure, or
25 equipment from such rules if he or she finds that such exemption does not constitute a hazard to the
26 public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be
27 allowed to make necessary alterations. Nothing in this section shall be construed to prevent
28 municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the
29 fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than
30 those adopted by the fire marshal.

31 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 1286

BILL TITLE: relative to the installation of sprinklers.

DATE: January 17, 2012

LOB ROOM: 201 **Time Public Hearing Called to Order:** 2:15 p.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. G. Chandler, Seidel, E. Smith, Graham, Gionet, McConkey, Tilton, Waterhouse, Kelodziej, Buxton, Maltz, M. Smith, Terrio, Bouchard, Campbell, Long, Sprague and Ramsey.

Bill Sponsors: Rep. Greemore, Belk 3; Rep. Luther, Belk 4; Rep. Worsman, Belk 3; Rep. Baldasaro, Rock 3; Rep. Tilton, Belk 4; Rep. Kingsbury, Belk 4; Sen. Forrester, Dist 2

TESTIMONY

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

Rep. Murski opened. Water sprinklers should be in public water systems. Issue is maintenance on private water – NO mandate.

Question by **Bouchard** – clarify tap position.

Chandler – Question what is an inadequate water supply.

Tilton Question: Discussion by F. Marshall?

Sprague Question: Possible problems down the road with new legislation.

Chandler – Does 153 address only public buildings?

Richard Wood – Nashua Fire Rescue, opposed. Does not like the use of the word adequate. Don't vote in favor.

Jason Lyon, NH Assoc. of Fire Chiefs, New London Chief questions new materials are more flammable. Opposed to bill.

Bill Degan, State Fire Marshall. Opposed. Options are available that will provide fire safety other than the use of sprinklers. Insurance savings if you have sprinklers.

Chandler – Question

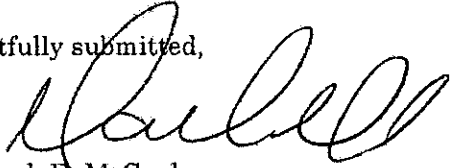
Gionet – No power how will pump run?

Graham – Why our committee for this bill?

Maltz – Bill would not prevent a developer from building sprinklers on their own – Fire Marshall agrees.

Rep. Mirski: Will withdraw his bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. McConkey', written in a cursive style.

Rep. Mark E. McConkey,
Acting Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 1286

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DATE:

LOB ROOM: 201

Time Public Hearing Called to Order:

2:15

Time Adjourned:

(please circle if present)

Committee Members: Reps. C. Chandler, Seider, B. Smith, Graham, G. H. Carter, McCloskey, Filten
Waterhouse, Kolodziej, Buxton, Maltz, M. Smith, Terrio, Bouchard, Campbell, Long, Sprague and
Ramsey.

Bill Sponsors: Rep. Mirski, Graf 10; Rep. Burt, Hills 7

TESTIMONY

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

CARDS

- * Bill Degnan - Representing STATE Fire Marshal
- * Richard Wood - Nashua Fire Rescue
- Rep Mirski - prime sponsor
- Tasbn Lyon - NH. Assoc. of fire
Chiefs
- * Department of Safety

HB 1286

1/17/2012

Rep Mueski opened — Water Sprinklers should be on public water systems — Issue is maintenance on private water — NO mandate

Question by Bouchard — Charify Tap position.

Chandler — Question what is an inadequate water supply

Other Question: Discussion by F. Marshall?

~~Richard Wood~~

Sprague Question: Possible problems down the road with new legislation.

Chandler — Does 153 address only public buildings

Richard Wood — NHFA Fire Rescue opposed. Does not like the use of the word ADEQUATE. Don't vote in favor

Jason Lyon — NH Assoc of Fire Chiefs
New London — chief — Questions new materials are more flammable
OPPOSED TO Bill.

Bill Dogman - State Fire Marshal
opposed - options are
available that will provide fire
safety other than the use of
sprinklers. Insurance savings if
you have sprinklers.

Chandler - question

Gionet - No issue how will pump run

Graham - why use committee for
this bill

MALTE - Bill would not prevent a
Developer from building
sprinklers on their own -
Fire marshal agree

Rep Muskie: will withdraw his
bill.

Mark McKinley

Testimony



State of New Hampshire

DEPARTMENT OF SAFETY
JAMES H. HAYES BLDG. 33 HAZEN DR.
CONCORD, N.H. 03305
603/271-2559

JOHN J. BARTHELMES
COMMISSIONER OF SAFETY

EARL M. SWEENEY
ASSISTANT COMMISSIONER

LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

LSR 2411.0 Relative to the Installation of Sprinklers
HB 1286
POSITION: Opposed

Dear Honorable Members of the Committee:

This bill prevents the fire marshal from requiring sprinklers in a public building where there is inadequate water supply.

Section 1 of this bill inserts a phrase, "...in buildings where the fire marshal deems there is inadequate public water supply for a sprinkler system, ..." in a list of areas where the State Fire Code cannot require sprinkler systems.

This bill removes the ability to require sprinkler systems in those structures that would otherwise require such an installation, based solely upon the availability of a public water supply. This is directly contradictory to the proven philosophy that sprinkler systems save countless lives every day. With this language, the State would be establishing a different standard of safety and protection for those poorer communities that cannot afford a public water supply or that cannot justify one, based upon demand. Schools and hospitals in these communities will be at a higher risk of catastrophic fire, placing those occupants at a disproportionately higher risk of death and injury to those similar occupants in more densely populated towns and cities.

Further, it would be significantly more costly to these communities, since the State Building Code provides for substantial construction trade-offs for those properties that have sprinkler systems. These communities would be forced to build smaller buildings, as the Building Code limits unsprinklered structures in both height and area. Further, these unsprinklered structures would be required to have substantially increased fire separation measures, such as fire walls and fire partitions. It is unreasonable to require that some communities pay more for their schools and hospitals than others based solely upon the availability of a public water supply. This is especially true considering the vast advancements in technology in the area of stored water supplies.

The NH Department of Safety opposes this bill for the reasons stated.



New Hampshire Fire Prevention Society



New Hampshire Chapter of the
International Association of Arson Investigators, Inc.

Marshal Richard Wood, FM
President
Nashua Fire Rescue
603-589-3465
WoodR@nashuanh.gov

Deputy Michael Hoisington
1st Vice President
Hooksett Fire Department
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Chief Mark Tetreault
2nd Vice President
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Deputy Thomas Zotti
Secretary/Treasurer
Wolfeboro Fire Department
603-569-1400
wolffiredepchief@metrocast.net

Directors

Deputy Jeff Emanuelson
Salem Fire Department

Deputy Dominick Bellio, CFEI
Rochester Fire Department

Deputy Sean Toomey, PE
Concord Fire Department

Insp. Carl Roediger, CFPS
Portsmouth Fire Department

Deputy Robert Farley, CFI
NH State Fire Marshal's

Investigator Mitch Cady, CFI
Manchester Fire Department

Investigator Pete Lennon, CFI
Manchester Fire Department

Nathaniel Johnson, PE
Winnepesaukee Associates
Laconia Fire Department (Ret)

January 10, 2012

Honorable Representative Gene Chandler, Chair
House Public Works and Highways Committee

Re: **House Bill 1286**

Thank you for the opportunity to provide comment relative to the proposed House Bill 1286 and it's implications as we view them.

The New Hampshire Fire Prevention Society was organized in 1984 to perpetuate knowledge and excellence in the field of fire science and the advancement of technology in fire science related matters. Today our organizations membership boasts approximately 200 professionals including Fire Chiefs, Fire Marshals, Fire Inspectors, Fire Investigators, Building Inspectors, and Fire Protection Engineers throughout New Hampshire.

It is our belief that House Bill 1286 is a broad reaching bill with likely unintended consequences which ultimately leads to impair our ability as a government to meet our obligation for protection of property as outlined in Part 1 Article 12 of the New Hampshire Constitution.

The net result of this bill would make some buildings more expensive to build or possibly lead the planning board to deny a site plan application for lack of adequate provisions for fire safety, prevention, and control.

This bill is another in a long line of bills relative to sprinklers currently or previously debated by the General Court. When House Bill 1486 was debated and residential sprinklers studied, the testimony and findings of the study committee indicated that sprinklers in residential property are appropriate in some situations and the most appropriate place for that determination would be the planning board level. This past session SB 91 and HB 109 were passed removing sprinklers from consideration for land use of all detached one and two family dwellings. It even went as far as prohibiting local control of such decisions for any community who did not already have a residential sprinkler requirement.

This decision has forced many developers to be faced with potential denial of their land use application as they would have preferred to install residential sprinklers in lieu of providing adequate water supply to the site. We feel House Bill 1286 will have a similar effect and could prevent land use boards from approving a site plan amendment for lack of adequate fire protection. In fact, this bill creates a situation where the areas that lack public water supply which present the greatest risk of fire, would be forced to accept lower protections standards than the communities most able to provide the protection because of adequate public water.

This bill would create an economic disparity for our communities and move us away from standardize minimum code concept requested by the development community and approved by the legislature with the creation of the State Building Code in RSA 155-A. In addition, by treating similar projects in the state with varying requirements we would create a concern for equal protection as guaranteed by the US Constitution.

The New Hampshire Fire Prevention Society, a statewide membership organization of municipal fire and building officials, cannot advocate for the removal of safety code provisions such as sprinklers without mitigating solutions to address the risks the sprinklers were to address. We believe this selective modification of code provisions leads our society in the dangerous direction away from respect for our legislative process and the laws or rules it adopts, to one which creates an infinite number of scenarios for code application.

We therefore oppose this bill and ask this committee to find it inexpedient to legislate.

Thank you for your consideration.



Richard W. Wood, CFPS CBO FM
President

Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1286

BILL TITLE: relative to the installation of sprinklers.

DATE: January 17, 2012

LOB ROOM: 201

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. Candace Bouchard

Seconded by Rep. John Graham

Vote: 12-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

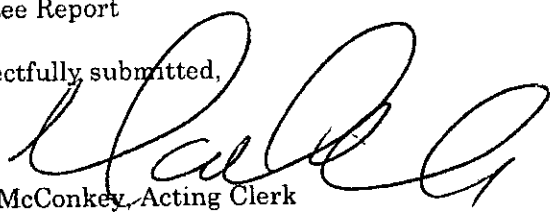
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 12-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Mark McConkey, Acting Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1286

BILL TITLE: relative to the installation of sprinklers.

DATE: 1/17/2012

LOB ROOM: 201

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. Bouchard

Seconded by Rep. Graham

Vote: (Please attach record of roll call vote.) 12 yea 0 nays

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

Moved by Rep.

Seconded by Rep.

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

yes to CONSENT CALENDAR VOTE: 12 yea - 0 nays

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. ~~Kevin Waterhouse~~, Clerk

Mark McConkey

PUBLIC WORKS AND HIGHWAYS

Bill #: HB1286 Title: Relative to the installation of sprinklers.

PH Date: 1/17/2012

Exec Session Date: 1/17/2012

Motion: ITH By Rep. Bouchard

Amendment #: N/A

	YEAS	NAYS
Chandler, Gene G, Chairman	✓	
Seidel, Carl W, V Chairman	✓	
Smith, Edwin O		
Graham, John A	✓	
Gionet, Edmond D	✓	
McConkey, Mark E	✓	
Tilton, Franklin T	✓	
Waterhouse, Kevin K, Clerk		
Kolodziej, Walter	✓	
Buxton, Michael P	✓	
Maltz, Jonathan S	✓	
Smith, Molly J		
Terrio, Ross W		
Bouchard, Candace C W	✓	
Campbell, David B		
Long, Patrick T	✓	
Sprague, Dale R	✓	
Ramsey, Peter E		
	12	0

TOTAL VOTE:

Printed: 12/21/2011

Committee Report

CONSENT CALENDAR

February 1, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on PUBLIC WORKS AND HIGHWAYS to
which was referred HB1286,

AN ACT relative to the installation of sprinklers.

Having considered the same, report the same with the
following Resolution: **RESOLVED**, That it is
INEXPEDIENT TO LEGISLATE.

Rep. Candace C W Bouchard

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	PUBLIC WORKS AND HIGHWAYS
Bill Number:	HB1286
Title:	relative to the installation of sprinklers.
Date:	January 19, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The prime sponsor, after hearing questions and testimony, recognized the bill needed more work and requested ITL.

Vote 12-0.

Rep. Candace C W Bouchard
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

PUBLIC WORKS AND HIGHWAYS

HB1286, relative to the installation of sprinklers. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C W Bouchard for PUBLIC WORKS AND HIGHWAYS. The prime sponsor, after hearing questions and testimony, recognized the bill needed more work and requested ITL. **Vote 12-0.**

Original: House Clerk

Cc: Committee Bill File

1/17/2017

HR 1286

ITL 12-0

Candace CD Bouchard

THE PRIME SPONSOR

after hearing questions and
feedback recognized the
bill needed more work
and requested ITL.

Candace CD Bouchard

JMK

HB 1286 relative to the installation of sprinklers.

The prime sponsor, after hearing questions and testimony, recognized the bill needed more work and requested ITL.

Rep. Candace W. Bouchard

For the Committee

12-0 ITL

CB

COMMITTEE REPORT

COMMITTEE: Public Works and Highways

BILL NUMBER: HB 1286

TITLE: Relative to the installation of sprinklers

DATE: 1/17/2012 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd-year of biennium)

Amendment No.
NA

STATEMENT OF INTENT:

Multiple horizontal lines for writing the statement of intent.

COMMITTEE VOTE: 12 yea - 0 Nay

RESPECTFULLY SUBMITTED,

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

Rep. CW Bouchard
For the Committee