

# Bill as Introduced

HB 1539-LOCAL - AS INTRODUCED

2012 SESSION

12-2212  
09/10

HOUSE BILL **1539-LOCAL**

AN ACT relative to the state building code.

SPONSORS: Rep. Mirski, Graf 10; Rep. Seidel, Hills 20; Rep. Cebrowski, Hills 18

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill:

I. Requires the state building code review board to consider economic impacts on the public in its review of amendments to the state building code.

II. Requires that expired building code amendments not be re-adopted by the board within 2 years of their date of expiration.

III. Establishes that no building code shall take effect until at least 3 years following its date of publication.

IV. Requires that a local legislative body demonstrate need or offsetting relief to the planning board or governing board prior to enacting ordinances or processes for enforcement involving building code regulations.

V. Was requested by the commission to study business regulations in New Hampshire established in 2011, 263 (HB 248).

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 1 Definition; State Building Code. Amend RSA 155-A:1, IV to read as follows:

2 IV. "New Hampshire building code" or "state building code" means the adoption by reference  
3 of the International Building Code [2006] **2009, the International Existing Building Code 2009,**  
4 the International Plumbing Code [2006] **2009,** the International Mechanical Code [2006] **2009,** the  
5 International Energy Conservation Code [2006] **2009,** and the International Residential Code [2006]  
6 **2009,** as published by the International Code Council, and the National Electric Code 2008. The  
7 provisions of any other national code or model code referred to within a code listed in this definition  
8 shall not be included in the state building code unless specifically included in the codes listed in this  
9 definition. **No code defined in this paragraph shall be effective until at least 3 years**  
10 **following the date of its publication.**

11 2 State Building Code Review Board; Duties. Amend RSA 155-A:10, IV and V to read as follows:

12 IV. The board shall meet to review and assess the application of the state building code and  
13 shall recommend legislation, as the board deems necessary, to [~~modify~~] **amend** the requirements of  
14 the state building code and the state fire code in order to provide consistency with the application of  
15 other laws, rules, or regulations, **to avoid undue economic impacts on the public by**  
16 **considering the costs of such amendments,** and to promote public safety and best practices.

17 V. The board may adopt rules to [~~update or change~~] **amend** the state building code [~~for the~~  
18 ~~codes~~] described in RSA 155-A:1, IV, to the extent the board deems that such [~~updates or changes~~]  
19 **amendments** are necessary **and in the best interests of the public pursuant to RSA 155-A:10,**  
20 **IV,** provided that any such [~~updates or changes~~] **amendments** are ratified [~~by the adoption of~~  
21 ~~appropriate~~] **through** legislation within 2 years of [~~their adoption~~] **the vote of the board to adopt**  
22 **such code amendments.** If such [~~updates or changes~~] **amendments** are not ratified, then the  
23 [~~rules~~] **amendments** shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period.  
24 **Expired amendments shall not be readopted by the board within 2 years of the date of**  
25 **expiration.** With the approval of the commissioner of safety, the board shall be authorized,  
26 pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the  
27 board.

28 3 Power to Amend State Building Code and Establish Enforcement Procedures. Amend  
29 RSA 674:51, I to read as follows:

30 I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures  
31 of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and

HB 1539-LOCAL - AS INTRODUCED

- Page 2 -

1 maintenance of [all] buildings and structures in the municipality, provided that such additional  
2 regulations are not less stringent than the requirements of the state building code. The local  
3 legislative body may also enact a process for the enforcement of the state building code and any  
4 additional regulations thereto, and the provisions of a nationally recognized code that are not  
5 included in and are not inconsistent with the state building code. *Prior to the enactment of any*  
6 *such ordinance or the adoption of any such provision or code, the local legislative body*  
7 *shall either demonstrate a need for the additional regulations based upon the*  
8 *municipality's specific circumstances or shall provide relief from other legally adopted*  
9 *ordinances or regulations which offset any impacts to construction costs that result from*  
10 *the additional regulations. The demonstration of need or offsetting relief shall be shown*  
11 *through a study performed by or for the planning board or the governing body based on*  
12 *competent evidence.* Any local enforcement process adopted prior to the effective date of this  
13 paragraph shall remain in effect unless it conflicts with the state building code or is amended or  
14 repealed by the municipality.

15 4 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1539-LOCAL

**BILL TITLE:** relative to the state building code.

**DATE:** 1/24/12

**LOB ROOM:** 306      **Time Public Hearing Called to Order:** 10:45

**Time Adjourned:** 11:45

(please circle if present)

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

**Bill Sponsors:** Rep. Mirski, Graf 10; Rep. Seidel, Hills 20; Rep. Cebrowski, Hills 18

TESTIMONY

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

\* **Rep. Paul Mirski** – Introduction interim study

**Rep. Spec Bowers** – Mentioned prev (1315) instead of delaying for 1 – 3 years voluntary?

**Rep. Paul Mirski** – Anything to speed process or complicated process.

**Rep. Maurice Pilotte** – Sec. 3 of bill – is that a 28:1 issue?

**Rep. Paul Mirski** – don't know.

**Rep. Edwin. Smith** – Want to make it easier for small business

**Cordell Johnson , NH Municipal Ass'n, Concord NH**– concern, Sec. 3 very confusing. Unusual, not sure it accomplishes period of time encourage to take this part out of bill.

**Rep. Spec Bowers** – How often?

**Cordell Johnson** – Doesn't know.

**Cory Landry, NH Fire Chiefs, Dover NH** – Current bldg. code adopted in 2010.

**Rep. Bob Clegg** – has sunset div. the way this bill is written would not be able to adopt.

**Rep. Steven Winter** – Readopted commission. Wouldn't this stop innovation

**Rep. Bob Clegg** – It may expire by people put thru.



**Rep. John Sytek** – codes in housing units

**Rep. Bob Clegg** – Has seen in some instances

**Jerry Tepe, Hopkinton NH** – Local enforcement still in effect w/state.

**Paul Morin Home Builders, Weare, NH** – Code adoptions- building review board has right to amend. Building code board can act on reviews anytime.

**Rep. Peter Hanson** – Costs, sheetrock on ceilings of basement, sprinkler

**Paul Morin** – Asking review board to talk about safety & cost. Would any delay jeopardize public safety & health? Amendment could take care of this.

**Richard Wood, NH Fire Prevention Society, Nashua NH** – 3 yr wait period is unnecessary.

**Bill Degnan, Fire Marshall, Concord NH** – slowing process of installing sprinklers, retrospect is \$5000, board is controlled by industries.

**Rep. Jean Jeudy** – Will this cost more money

**Bill Degnan** – doesn't think so.

**Rep. Peter Hanson** – Sprinkler system, generator, tank & pump,

**Bill Degnan** – They can do bucket test to check

**Rep. Peter Hanson** – Lightning, how does this work

**Bill Degnan** – NH heating is cause of most fires.

**Rep. Maurice Pilotte** – Fire sprinkler system settled by gen. court.

**Chris Williams** – Nashua Chamber of Commerce

**Rep. Paul Mirski** – NH not a home rule state. Whatever powers given are by legislature.

Respectfully submitted,



Rep. Carol Vita, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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Bill Sponsors: Rep. Mirski, Graf 10; Rep. Seidel, Hills 20; Rep. Cebrowski, Hills 18

TESTIMONY

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- ④\* REP MIRSKI - INTROD. INTERIM REPORT
- REP BOWERS - MENTIONED PREV. (1315) - INSTEAD OF DELAYING FOR 1-3 YRS VOLUNTARY ->
- REP MIRSKI - ANYTHING TO SPEED PROCESS OR - COMPLICATED PROCESS
- REP PILOTTE - SEC. 3 OF BILL IS THAT A 28:1 ISSUE?
- REP MIRSKI - DON'T KNOW
- REP E. SMITH - WANT TO MAKE EASIER FOR SMALL BUSINESS
- CORDELL JOHNSTON - CONCERN - SEC 3 - VERY CONFUSING - UNUSUAL - NOT SURE IT ACCOMPLISHES PERIOD OF TIME ENCOURAGE TO TAKE THIS PART OUT OF BILL
- REP. REP BOWERS - HOW OFTEN
- C. JOHNSTON - DOESN'T KNOW
- COREY LANDRY CURRENT BLDG CODE ADOPTED 2010 -
- REP CLEGG - HAS SUNSET DIV. THE WAY THIS BILL IS WRITTEN WOULD NOT BE ABLE TO ADOPT.
- REP WINTER - READOPTED COMMISSION - WOULDN'T THIS STOP INNOVATION
- REP CLEGG - IT MAY EXPIRE BY PEOPLE PUT THRU

- REP SYTEK - CODES IN HOUSING UNITS
- REP CLEGG - HAS SEEN IN SOME INSTANCES
- JERRY TEPÉ - ~~LOCAL~~ LOCAL ENFORCEMENT STILL IN EFFECT  
IN STATE
- PAUL MORIN - CODE ADOPTIONS - BUDC REVIEW BD. HAS RIGHT  
TO AMMEND  
~~REQUIRES~~ BUDC CODE BD CAN ACT ON REVIEWS AT  
ANY TIME.
- REP HANSEN - COSTS, SHEETROCK ON CEILINGS OF BASEMENT, SPRINKLER
- PAUL MORIN - ASKING REVIEW BD TALK ABOUT SAFETY + COST  
WOULD ANY DELAY JEOPARDIZE - SAFETY + HEALTH  
<sup>PUBLIC</sup>
- ~~WOULD~~ ~~THE~~ AMMENDMENT COULD TAKE CARE  
OF THIS
- ③ RICHARD WOOD - 3YR WAIT PERIOD - IS UNNECESSARY.
- MARSHALL BILL DEGNAN - SLOWING PROCESS OF INSTALLING SPRINKLERS  
- RETROSPECT IS \$5000  
- BOARD IS CONTROLLED BY INDUSTRIES
- REP JEDDY - WILL THIS COST MORE MONEY
- MARSHALL DEGNAN - DOESN'T THINK SO
- REP HANSON - SPRINKLER SYSTEM. GENERATOR, TANK + PUMP.
- MARSHALL DEGNAN - THEY CAN DO BUCKET TEST TO CHECK
- HANSON - LIGHTNING - HOW DOES THIS WORK
- DEGNAN - NH. HEATING IS CAUSE OF MOST FIRES
- REP PILOTTE - FIRE SPRINKLER SYS. SETTLED BY GEN. COURT
- CHRIS WILLIAMS - NASHUA CHAMBER OF COMMERCE
- REP MIRSKI - NH NOT A HOME RULE STATE  
WHATEVER POWERS GIVEN BY LEG.

# Sub-Committee Minutes

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION**  
**SUBCOMMITTEE WORK SESSION ON HB 1539-LOCAL**

**BILL TITLE:** relative to the state building code.

**DATE:** 2/09/2012

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

**Comments and Recommendations:**

**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. Winter

Seconded by Rep. Whitehead

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Calvin D. Pratt  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION  
SUBCOMMITTEE WORK SESSION ON HB 1539-LOCAL

BILL TITLE: relative to the state building code.

DATE: 2-9-2012

Subcommittee Members: Reps. PRATT, WINTER, WHITEHEAD

Comments and Recommendations:

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. WINTER

Seconded by Rep. WHITEHEAD

Vote:

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

Moved by Rep.

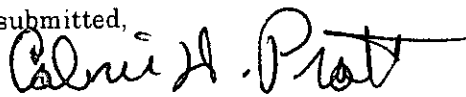
Seconded by Rep.

Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk



# Testimony

**INTERIM REPORT**  
**HB 248 Commission on Regulation and Business in NH**  
November 2, 2011

Report of the subcommittee on environment and permitting/construction

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Members: Christopher Williams, Greater Nashua Chamber of Commerce (chairman)  
Paul Morin, Home Builders and Remodelers Association of NH (clerk)  
Peter McNamara, Auto Dealers Association of NH  
Mary Collins, NH Small Business Development Center  
Doug Bates, Portsmouth Chamber of Commerce  
James Palmisano, PDM, Inc.  
Rep. John Cebrowski  
Rep. Bill Ohm  
Sen. Andy Sanborn

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The subcommittee met on four occasions prior to this interim report. The charge was to develop a list of issues relative to businesses through environmental permitting and regulation, and construction permitting and regulation. Minutes of the subcommittee meetings are available from the Secretarial Services office located in the NH House of Representatives.

The subcommittee decided in its first meeting on September 21 to publish an online survey that would be distributed through the various constituent groups of the Commission members. The questions were designed to elicit problems that are perceived in the business community that impede growth or profitability through over-regulation. The questions allowed responders to add narratives to describe the problems and propose solutions. One question also asked respondents to describe what is working well in state government and should not be tampered with.

Members also shared issues that were given to them by constituents to be brought forward to the full Commission for consideration. Additionally, the subcommittee members researched past bills that had not earned passage, but may be brought back for consideration.

Ultimately, the survey produced 265 responses from across the state and various industries, and the issues raised were reviewed by the subcommittee. On October 5, the subcommittee broke into two working groups to filter the survey responses. One group focused on the environmental responses; the other focused on construction/permitting. A master list was developed of possible issues that may be worth future legislation.



It was evident that many survey responses described frustration with complex processes and onerous requirements. The subcommittee decided to forward the environmental responses to NHDES Commissioner Burack and ask him to attend a meeting with the subcommittee on October 12, 2011.

Commissioner Burack addressed the subcommittee on October 12 with the Labor and Workforce Subcommittee also in attendance. The Commissioner provided handouts and updated the members on progress made by the department on various issues that came out of the survey. He said that permit turnaround times in all programs were within statutory guidelines but he warned that personnel issues due to budget cuts are creating challenges and may become a problem when permit applications increase.

The subcommittee presented its list of recommendations at the full Commission meeting on October 19. The following issues were presented:

- Requiring economic impacts through cost/benefit analysis for any state building code adoptions or amendments. (recommended for immediate action)
- Slow the adoption process for new editions of the national model building codes so that there is adequate time to consider ramifications of the new codes and their impact on construction costs and the public interest. (recommended for immediate action)
- Remove the authority to adopt new editions to the statewide building code from the Building Code Review Board and give it to the Legislature. Currently, the BCRB can adopt and implement new codes that must be ratified by the Legislature within two years. The BCRB would retain the authority to adopt amendments which would still need ratification. (recommended for immediate action)
- Continue to allow towns and cities to adopt stricter codes but require a demonstration of need or, alternatively, relief in zoning or regulatory requirements to offset any additional costs over the statewide code. (recommended for immediate action)
- Adopt the Federal Clean Air Standards in favor of the current NH Air Toxics Control Program which is a considerably higher standard. (recommended to seek more information before acting on this)
- Eliminate the requirement for a professional engineer's stamp on Spill Prevention Countermeasure and Control plans up to the EPA 10,000 gallon minimum. Allow owners of smaller above ground tanks to self-certify, while requiring such certification to be filed with the State. (requested language from NHADA for future legislation)
- Insert more flexible standards into the regulation of above ground (oil) storage tanks where the rules require NFPA compliance. (requested language from NHADA for future legislation)

- Expand the state definition for recyclable material to lower that which is considered hazardous waste and increase the amount of recycled product. (recommended continued study on this issue for future legislation)

The subcommittee feels a number of the items listed above could receive attention in the 2012 legislative session. Some of these ideas may be found to have merit while others may not, after being vetted through legislative hearings and work sessions.

The subcommittee hopes to continue its work on the issues above while also addressing more global concerns that were raised in the surveys and during the four subcommittee meetings, which relate to the need for state agencies to better coordinate oversight efforts and personnel activities among other things that impact the speed at which permitting issues get addressed and resolved. Issues such as these are not easily addressed in legislation, and will instead require in-depth meetings and conversations between the subcommittee and representatives of state agencies. The subcommittee anticipates working diligently through the first half of 2012 to pursue these larger goals, while the items listed above receive more immediate attention by the State Legislature in the 2012 legislative session.

## 2012 SESSION

12-2212

09/10

HOUSE BILL ***1539-LOCAL***

AN ACT relative to the state building code.

SPONSORS: Rep. Mirski, Graf 10; Rep. Seidel, Hills 20; Rep. Cebrowski, Hills 18

COMMITTEE: Executive Departments and Administration

## ANALYSIS

This bill:

- I. Requires the state building code review board to consider economic impacts on the public in its review of amendments to the state building code.
- II. Requires that expired building code amendments not be re-adopted by the board within 2 years of their date of expiration.
- III. Establishes that no building code shall take effect until at least 3 years following its date of publication.
- IV. Requires that a local legislative body demonstrate need or offsetting relief to the planning board or governing board prior to enacting ordinances or processes for enforcement involving building code regulations.
- V. Was requested by the commission to study business regulations in New Hampshire established in 2011, 263 (HB 248).

.....

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## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT relative to the state building code.

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

1 Definition; State Building Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code ~~[2006]~~ ***2009, the International Existing Building Code 2009***, the International Plumbing Code ~~[2006]~~ ***2009***, the International Mechanical Code ~~[2006]~~ ***2009***, the International Energy Conservation Code ~~[2006]~~ ***2009***, and the International Residential Code ~~[2006]~~ ***2009***, as published by the International Code Council, and the National Electric Code 2008. The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition. ***No code defined in this paragraph shall be effective until at least 3 years following the date of its publication.***

2 State Building Code Review Board; Duties. Amend RSA 155-A:10, IV and V to read as follows:

IV. The board shall meet to review and assess the application of the state building code and shall recommend legislation, as the board deems necessary, to ~~[modify]~~ ***amend*** the requirements of the state building code and the state fire code in order to provide consistency with the application of other laws, rules, or regulations, ***to avoid undue economic impacts on the public by***

*considering the costs of such amendments*, and to promote public safety and best practices.

V. The board may adopt rules to ~~[update or change]~~ *amend* the state building code ~~[for the codes]~~ described in RSA 155-A:1, IV, to the extent the board deems that such ~~[updates or changes]~~ *amendments* are necessary *and in the best interests of the public pursuant to RSA 155-A:10, IV*, provided that any such ~~[updates or changes]~~ *amendments* are ratified ~~[by the adoption of appropriate]~~ *through* legislation within 2 years of ~~[their adoption]~~ *the vote of the board to adopt such code amendments*. If such ~~[updates or changes]~~ *amendments* are not ratified, then the ~~[rules]~~ *amendments* shall expire, notwithstanding RSA 541-A:17, I, at the end of the 2-year period. *Expired amendments shall not be readopted by the board within 2 years of the date of expiration*. With the approval of the commissioner of safety, the board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to procedures of its operation and appeals to the board.

3 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA 674:51, I to read as follows:

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of ~~[aH]~~ buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code. *Prior to the enactment of any such ordinance or the adoption of any such provision or code, the local legislative body shall either demonstrate a need for the additional regulations based upon the municipality's specific circumstances or shall provide relief from other legally adopted ordinances or regulations which offset any impacts to construction costs that result from the additional regulations. The demonstration of need or offsetting relief shall be shown through a study performed by or for the planning board or the governing body based on competent evidence*. Any local enforcement process adopted prior to the effective date of this paragraph shall remain in effect unless it conflicts with the state building code or is amended or repealed by the municipality.

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

②



# New Hampshire Fire Prevention Society

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



**Marshal Richard Wood, FM**  
*President*  
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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 Gady, CFI**  
Manchester Fire Department

**Investigator Pete Lennon, CFI**  
Manchester Fire Department

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

January 24, 2012

Honorable Representative Carol McGuire, Chair  
House Executive Departments & Administration Committee

Re: **House Bill 1315**

Thank you for the opportunity to provide comment relative to the proposed House Bill 1315 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 organization 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 1315 is unnecessary in the light of this committee's recommendation and the full house's concurrence with HB 137 which removes the Building Code Review Board's ability to adopt a new edition of the codes and only authorizes amendments to the codes determined by the legislature. To restrict the Board's authority even greater will not allow the changes in HB 137 to be implemented to provide a sound basis by which to determine if further restriction is needed.

We believe the balance of the Board as provided in HB 137 will provide the needed checks and balances to assure any code amendments are carried out in a way that practical and in accordance with the consensus of the Board members. Further restriction of the Board's role would have the net effect of rendering the board advisory only in nature, thus making the code process

inflexible, thus incapable of adjusting quickly to assure the latest technology and sound practices are not unnecessarily restricted from implementation.

The creation of the Building Code Review Board and its authority by this legislature, in our view, correctly realized the restrictive nature of requiring all modifications to the code to be enacted by the legislature. The current process allows ANYONE (citizen, owner, contractor, code enforcer, others) to propose an amendment to the authorized codes and present their case to the Board. The Board advertises the proposal, holds a public hearing, and then deliberates and votes to amend or not amend based on the Board's professional judgment of the testimony and evidence offered. This process in our opinion provides an open, accessible, and timely venue to anyone; ultimately providing a more accessible process. The legislature then reserved its role as the people's representative to ultimately determine if the Board's actions were in the public interest.

The New Hampshire Fire Prevention Society, a statewide membership organization of municipal fire and building officials, believes the current stakeholder process provided by the Building Code Review Board in RSA 155-A provides the best option to assure technical experts from all perspectives review and deliberate the cause and effect of any proposed code amendment. We believe the legislative check and balance to the board is appropriately provided in RSA 155-A:10V requiring ratification by the legislature within 2 years of the rules adoption or the amendment expires.

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



January 24, 2012

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**MEMORANDUM IN OPPOSITION TO**

**HB 1315 and HB 1539**

**Relative to the State Building Code**

**Concord, NH**

The American Chemistry Council (ACC) is a national trade association that represents chemicals and plastics manufacturers, including member company facilities in the state of New Hampshire. Many of our member companies produce innovative materials for the building construction market, and strongly support the most advanced and *timely* building and energy efficiency standards.

Accordingly, we strongly **oppose** HB 1315 and HB 1539 because both bills would impose delays of one year and two to three years, respectively, in the adoption of Statewide building code updates. Both bills would have the effect of raising costs for homeowners and taxpayers because of energy inefficient private homes and public buildings. Anyone who has ever paid a high electricity bill to cool their home in the summer, or used more home heating oil or natural gas than expected to heat their home in the winter, knows this from personal experience.

**Raising Costs for Homeowners**

A new home is a big financial investment for many families. Many studies have shown that families can save thousands of dollars in energy costs during the years they live in an energy-efficient home, while safety improvements can reduce homeowners' insurance premiums. Contrary to claims that building code updates are too expensive, legislators need to consider the exact opposite: *not* adopting building code updates on a timely basis actually costs New Hampshire residents more in the long-run due to higher energy and utility bills over the life of their homes. The same principle applies to public building whose energy and utility costs are paid with taxpayer dollars.

**Wasting Taxpayer Dollars**

At a time when New Hampshire needs to save money, these misguided legislative bills will actually **waste limited State and local tax dollars** by delaying implementation of the latest efficiency technologies that help cut energy bills for public buildings, protect them from damage due to natural disasters, reduce maintenance costs and insurance claims, and reduce insurance premiums for safer buildings.





ACC Testimony in Opposition to HB 1315 and HB 1539  
January 24, 2012

**Risking Public Safety**

The IECC code is updated every three years to "*ensure public safety, health and welfare....*" New Hampshire legislators and builders alike should want the latest life safety code applied to and enforced in buildings, rather than implementing delays that would mean **new buildings are not as safe as current standards allow.**

**Weakening Energy Security And New Hampshire's Economic Recovery**

Advanced manufacturing that supplies the building industry is key to our economy, and energy-efficient products, processes and technologies help support New Hampshire jobs.

**HB 1315 and HB 1539 would impose hidden costs on New Hampshire building product manufacturers, distributors, and local governments. These bills would also unnecessarily delay energy-demand reduction of new buildings that could make New Hampshire's utilities rates more competitive for homeowners, commercial building owners, and the State itself.**

Accordingly, we urge the members of the Committee to vote "OUGHT NOT TO PASS" on both of these bills.

Should you have questions or comments, please feel free to the American Chemistry Council at (518) 432-7835. E-mail inquiries may be directed to [Steve.Rosario@americanchemistry.com](mailto:Steve.Rosario@americanchemistry.com).

Sincerely,

A handwritten signature in black ink that reads "Stephen M. Rosario".

Stephen M. Rosario, CAE  
Senior Director, Northeast Region







**Written Testimony of Jim O'Reilly, Director of Public Policy  
Northeast Energy Efficiency Partnerships (NEEP)  
Before the House Executive Departments and Administration Committee  
Regarding HB 1315 - An act relative to the effective date of revisions to the state  
building code and HB 1539 - An act relative to the state building code.  
January 23, 2012**

Chairman McGuire, Vice Chairman Hawkins, and Members of the Committee:

On behalf of Northeast Energy Efficiency Partnerships (NEEP)<sup>1</sup>, thank you for the opportunity to provide written testimony on House Bill 1315, "An act relative to the effective date of revisions to the state building code" and House Bill 1539, "An act relative to the state building code."

NEEP is a regional non-profit organization founded in 1996 whose mission is to promote the efficient use of energy in homes, buildings, and industry throughout the Northeast and Mid-Atlantic through regionally coordinated programs and policies that increase the use of energy efficient products, services and practices, and help achieve a cleaner environment and a more reliable and affordable energy system.

NEEP has a long history of working on energy efficiency policies and programs in the state of New Hampshire. Since its inception, NEEP has partnered with a number of stakeholder organizations inside and outside of government on a variety of initiatives that increase the energy savings potential of homes and businesses in New Hampshire. Together, NEEP and our New Hampshire partners have worked on a number of regional collaborative projects to transform markets, readying them for more energy efficient products and services, as well as complementary public policy projects, like building energy codes. NEEP has supported the state in its adoption of new appliance efficiency standards, as well as in its development, adoption and administration of building energy codes and high performance school polices, among other measures.

NEEP's Northeast States Building Energy Codes Project, one of our oldest endeavors, aims to achieve significant energy savings in new construction, remodeling and renovations by advocating for strong building energy codes and code-related public policies. Collectively, we have over 75 years of experience on staff with regard to building energy codes, including that of our codes project manager, Don Vigneau, who is a registered architect, former state building inspector for the state of Connecticut, and a recognized code training expert who taught hundreds of code course throughout the region, including in New Hampshire, and who contributed to these comments.

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<sup>1</sup> These comments are offered by NEEP staff and do not necessarily represent the view of the NEEP Board of Directors, sponsors or partners.



## Why Maintaining the State Building Energy Code is Important

We oppose HB 1315 and HB 1539 on the grounds that they propose to delay the effective date of New Hampshire's state building code, and, in the case of HB 1539, place significant obstacles in the way of new code adoption, particularly for New Hampshire cities and towns. New Hampshire has for many years had an effective and consensus driven process for updating the state's building energy code, which NEEP supports and often references. And, thus, NEEP supports New Hampshire's implementation and enforcement of the latest version of the state building code, including energy, which is based off of the 2009 International Energy Conservation Code (IECC). This implementation will help ensure that every buyer of a new home gets a home that uses no more energy than it should by incorporating up-to-date, safe and widely accepted building practices. And it ensures that owners or operators of commercial buildings receive the benefits of modern, safe and energy efficient buildings that keep their utility costs in check and improve their operating margins. Any amendments/proposals that attempt to weaken or delay the state building energy code only serve to reduce energy savings available to New Hampshire's residents and businesses at a time that they can ill afford to pay more for energy than they already are.

Comprehensive, unified code adoptions (corresponding to the International Code Council, or ICC, code development cycle) reduce the expenses associated with owning and operating buildings and homes, and assure that the adopted health, safety and welfare requirements work in concert with the complementary codes governing safety, health, sanitation and general construction practices, now and into the future. Any delay in implementing the building energy portion of the code would result in residents and businesses using more energy and enduring higher operating costs than they should.

In past code cycles, New Hampshire has been supportive of the adoption of the latest iterations of the IECC and ASHRAE codes and standards. Adoption of 2009 IECC, without amendments, represents a step in the right direction in terms of New Hampshire providing the best regulatory protection for their residents and businesses.

Statewide building energy code adoptions have existed since 1971 throughout the Northeast region, and that experience has continually shown us that a uniform statewide building and energy code system, consistent with the national model code development cycles, *helps*, rather than hinders, construction processes and schedules, while setting minimum standards of quality, safety and health for all to follow. Practitioners, including home builders, architects and engineers, come to expect that consistent set of ground rules that are developed, updated and adopted on a regular basis will help guide their professions while instituting vital public safety and consumer protection mechanisms. Adopting the 2009 IECC, in its entirety, provides value to the entire construction industry by establishing regulations governing the building process in New Hampshire that is consistent with other regions of the country.

Moreover, HB 1539 would impose two additional harms on the code adoption process. The first is a requirement that the State Building Code Review Board consider any "undue economic impacts on the public by considering the costs of such [code] amendments...", but makes no mention of any analysis of the significant economic *benefits* to the occupants and owners of homes and commercial buildings that are built to the latest energy code. Clearly,



this language is meant to only allow for an analysis of the *first* costs of building a new home or building to the updated building energy code, without allowing for consideration of the *subsequent* and *ongoing* cost *benefits* of owning or operating a home or business that is built to save more energy than one built to prior code requirements.

The second provision would hinder the ability of individual cities and towns to adopt building energy codes that result in greater savings than those ensured by the baseline state code. New Hampshire has a long and proud history of allowing municipalities to direct their own public policies in ways that benefit their local citizenry provided those local laws are not inconsistent with the state constitution or overall governing framework. In recent years a number of communities have chosen to enact local energy policies designed to save even greater amounts of energy than the baseline state code would allow. Such efforts should be encouraged; rather than hindered, which is unfortunately what would occur should HB 1539 be enacted.

**Conclusion - NEEP urges the Committee to report unfavorably on both HB1315 and HB1539, as the bills would result in higher energy costs to home and business owners in the state and create inconsistencies between the state energy code process and other code update and development processes, creating confusion and uncertainty.**

Thank you once again for the opportunity to provide our perspectives on why this legislation is a major concern for economic and energy policy for the state of New Hampshire. Please accept my offer of support to work with this committee and all other building and energy codes stakeholders to address specific concerns in the implementation of latest state building energy code as originally conceived.

Contact Information:  
Jim O'Reilly  
Director of Public Policy  
Northeast Energy Efficiency Partnerships (NEEP)  
781-860-9177 x 118 or [joreilly@neep.org](mailto:joreilly@neep.org)

# Voting Sheets

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**EXECUTIVE SESSION on HB 1539-LOCAL**

**BILL TITLE:** relative to the state building code.

**DATE:** 2/13/2012

**LOB ROOM:** 306

**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. Winters

Seconded by Rep. Hawkins

Vote: 10-0 (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: YES**

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

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

Respectfully submitted,

Rep. Carol Vita, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1539-LOCAL

BILL TITLE: relative to the state building code.

DATE: 2/13/12

LOB ROOM: 306

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. Winter

Seconded by Rep. Hawkins

Vote: 10-0 (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: yes

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk

per. Rep. Carol  
McGuire.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Bill#: HR 1539-L Title: REVATIVE TO STATE BUILDING CODE

PH Date: 1/24/12

Exec Session Date: 2/13/12

Motion: ITL

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

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman	✓	
Hawkins, Kenneth, V Chairman	✓	
Sytek, John	✓	
Day, Russell C		
Pratt, Calvin D		
Vita, Carol M, Clerk	✓	
<del>Perkins, Lawrence B</del> Mike Kapler	✓	
Winter, Steven J	✓	
<del>Bowers, Spec</del> D. McGuire	✓	
Brown, Paul E		
Hansen, Peter T	✓	
Proulx, Mark L		
Whitehead, Randall A		
Schmidt, Peter B		
Pilotte, Maurice L	✓	
Jeudy, Jean L		
Sullivan, Daniel J	✓	

*Rep. Carol McGuire*

TOTAL VOTE: 10 0  
 Printed: 12/21/2011

# Committee Report



**CONSENT CALENDAR**

**February 14, 2012**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on EXECUTIVE DEPARTMENTS AND  
ADMINISTRATION to which was referred HB1539-L,

AN ACT relative to the state building code. Having  
considered the same, report the same with the following

Resolution: RESOLVED, That it is INEXPEDIENT TO  
LEGISLATE.

**Rep. Steven J Winter**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>EXECUTIVE DEPARTMENTS AND ADMINISTRATION</b>
Bill Number:	<b>HB1539-L</b>
Title:	<b>relative to the state building code.</b>
Date:	<b>February 13, 2012</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

The contents of this bill were contained in HB 137 which was passed by the House in January of this year. This bill therefore became redundant and is no longer needed as a vehicle for the provisions contained therein.

Vote 10-0.

Rep. Steven J Winter  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB1539-L**, relative to the state building code. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven J Winter for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. The contents of this bill were contained in HB 137 which was passed by the House in January of this year. This bill therefore became redundant and is no longer needed as a vehicle for the provisions contained therein. **Vote 10-0.**

Original: House Clerk  
Cc: Committee Bill File

**ED&A COMMITTEE RECOMMENDATION**

**INEXPEDIENT TO LEGISLATE**

**HB 1539**

**BLURB**

**HB 1539, AN ACT** relative to the state building code. **INEXPEDIENT TO LEGISLATE**  
Rep. Steve Winter for Executive Departments and Administration. The contents of this bill were  
contained in HB 137 which was passed by the House in January of this year. This bill therefore  
became redundant and is no longer needed as a vehicle for the provisions contained therein. **Vote**  
**10-0**