

LEGISLATIVE COMMITTEE MINUTES

HB1681

Bill as
Introduced

HB 1681-FN - AS AMENDED BY THE HOUSE

10Mar2022... 0422h

2022 SESSION

22-3121
05/10

HOUSE BILL **1681-FN**

AN ACT relative to the state building code and the state fire code.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Pimentel, Merr. 6; Sen. Reagan, Dist 17; Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Revises the definition of the state building code.

II. Addresses the version of the building code applicable immediately following adoption of an updated edition, and clarifies the role of the state building code review board.

III. Requires municipalities to submit local building ordinances to the state building code review board for informational purposes.

IV. Revises the definition of the New Hampshire fire code.

V. Ratifies amendments to the state fire code.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the state building code and the state fire code.

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

1 1 New Hampshire Building Code; Definition of Building. Amend RSA 155-A:1, I to read as
2 follows:

3 I. "Building" means building as defined and interpreted by the International Code Council's
4 International Building Code [2015] **adopted under RSA 155-A:1, IV**, as amended by the state
5 building code review board and ratified by the legislature in accordance with RSA 155-A:10.

6 2 New Hampshire Building Code; Definition. Amend RSA 155-A:1, IV to read as follows:

7 IV. "New Hampshire building code" or "state building code" means the adoption by reference
8 of the International Building Code [2015] **2018**, the International Existing Building Code [2015]
9 **2018**, the International Plumbing Code [2015] **2018**, the International Mechanical Code [2015] **2018**,
10 the International Energy Conservation Code [2015] **2018**, the International Swimming Pool and Spa
11 Code [2015] **2018**, and the International Residential Code [2015] **2018**, as published by the
12 International Code Council *Inc.*, and the National Electrical Code [2017] **2020**, **as published by the**
13 **Nation Fire Protection Association, Inc.**, as [amended] **reviewed and recommended** by the
14 state building code review board, **including all amendments reviewed and approved by the**
15 **board as of November 30, 2021**, and ratified by the legislature in accordance with RSA 155-A:10.
16 The provisions of any other national code or model code referred to within a code listed in this
17 definition shall not be included in the state building code unless specifically included in the codes
18 listed in this definition.

19 3 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, IV to read as
20 follows:

21 VI. "Structure" means structure as defined and interpreted by the International Code
22 Council's International Building Code [2015] **adopted under RSA 155-A:1, IV**, as amended by the
23 state building code review board and ratified by the legislature in accordance with RSA 155-A:10.

24 4 State Building Code. Amend RSA 155-A:2, I to read as follows:

25 I. All buildings, building components, and structures constructed in New Hampshire shall
26 comply with the state building code and state fire code. The construction, design, structure,
27 maintenance, and use of all buildings or structures to be erected and the alteration, renovation,
28 rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall
29 be governed by the provisions of the state building code. **The state building code in effect at the**
30 **time that the application for the building permit required by RSA 155-A:4 is received by the**
31 **governing authority shall remain in effect for the duration of the work covered by that**

1 *permit. This requirement notwithstanding, for a period of 6 months after the effective date*
 2 *of the code adopted under RSA 155-A:1, IV, a concurrency period is established, allowing*
 3 *building permits, and other required documents, at the election of the applicant, to show*
 4 *compliance using either the code in effect just prior the effective date of the code adopted*
 5 *under RSA 155-A:1, IV, or the code adopted under RSA 155-A:1, IV, but not a combination of*
 6 *the 2 codes.*

7 5 State Building Code. Amend RSA 155-A:2, X and XI to read as follows:

8 X. No state agency, authority, board, or commission shall vary, modify, or waive the
 9 requirements of the state building code or state fire code, unless approved by the state building code
 10 review board pursuant to RSA 155-A relative to the state building code or the state fire marshal
 11 pursuant to RSA 153:8-a, I(c) for the state fire code. Nothing in this chapter shall affect the
 12 statutory authority of the commissioner of labor, the state board for the licensing and regulation of
 13 plumbers, or the state electricians' board to administer their respective programs, provided that any
 14 changes to codes proposed under the rulemaking authority of these agencies shall not be enforced
 15 until approved by the state building code review board ***and ratified by the legislature in***
 16 ***accordance with RSA 155-A:10.***

17 XI. Notwithstanding the ~~[inclusion]~~ ***adopted edition*** of the National Electrical Code ~~[2017]~~
 18 in the state building code under RSA 155-A:1, IV, ~~[the amended provisions of section 210.12]~~ ***any***
 19 ***provision*** of the National Electrical Code, which ~~[modify the National Electrical Code 2014 version~~
 20 ~~to add]~~ ***requires*** arc-fault circuit interrupter ~~[requirements for dormitory unit devices and~~
 21 ~~bathrooms, guest rooms and guest suites, and branch circuit extensions or modifications for~~
 22 ~~dormitory units]~~ ***protection in excess of the requirements of the 2014 National Electrical***
 23 ***Code*** shall not be enforced under the state building code or this chapter.

24 6 New Paragraph; Local Amendments Submitted to State Building Code Review Board. Amend
 25 RSA 155-A:3 by inserting after paragraph IV the following new paragraph:

26 V. Any ordinance adopted under RSA 674:51 by a local legislative body shall be submitted to
 27 the state building code review board for informational purposes.

28 7 Code Requirements for Biomass Burning Boilers and Log Structures. Amend RSA 155-A:3-a
 29 and 155-A:3-b to read as follows:

30 155-A:3-a Code Requirements; Biomass Burning Boilers.

31 I. Notwithstanding any provisions of the state building code or state fire code, the board
 32 shall ~~[adopt]~~ ***review and recommend*** a code and amendments thereto which shall regulate the
 33 installation and operation of biomass burning boilers. The code adopted shall include the ~~[1999]~~ EN
 34 303-5 standard established by the European Committee for Standardization, and shall include
 35 requirements for the safe installation, operation, and repair of such boilers, and for data plates and
 36 warning labels written in English, limits on temperature and pressure with associated relief valves,
 37 and the filing of construction and emissions specifications written in English.

1 II. The inspection procedures and enforcement requirements for the commissioner of labor
2 in RSA 157-A shall apply to boilers installed according to the code and amendments adopted by the
3 board under this section.

4 ~~III. The code and amendments thereto adopted under paragraph I shall be ratified by
5 appropriate legislation within 2 years of their adoption. If such code and amendments are not
6 ratified, then the code and amendments shall expire at the end of the 2 year period.]~~

7 155-A:3-b Code Requirements; Log Structures.

8 ~~II.]~~ Notwithstanding any provisions of the state building code or state fire code, the state
9 building code review board shall ~~[adopt]~~ **review and recommend** amendments to the state building
10 code regulating the design and construction of log structures. The adopted amendments shall
11 include ICC 400 Standard on the Design and Construction of Log Structures.

12 ~~II. The amendments adopted under paragraph I shall be ratified by appropriate legislation
13 within 2 years of their adoption. If such amendments are not ratified, then the amendments shall
14 expire at the end of the 2 year period.]~~

15 8 State Building Code Review Board. Amend RSA 155-A:10, IV to read as follows:

16 IV. The board shall meet to review and assess the application of the state building code and
17 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
18 building code in order to provide consistency with the application of other laws, rules, or regulations,
19 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
20 promote public safety and best practices.

21 (a) The board ~~[may recommend adoption of]~~ **shall review** a newer version of a code that
22 has been published for ~~[at least]~~ 2 years, and shall provide a summary of all significant changes, cost
23 estimates of these changes, and documentation of the need for the change in ~~[the]~~ **any** recommended
24 legislation.

25 (b) Amendments to the codes shall be reviewed and approved by the board, then
26 submitted annually to the legislature for ratification by the adoption of appropriate legislation before
27 they become effective.

28 (c) The board may hear appeals of final decisions of any local building code board of
29 appeals established under RSA 674, provided that the appeal shall be based on a claim that the
30 intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the
31 provisions of the code do not fully apply, or there is an alternative construction. The board shall not
32 have authority to waive or grant variances to requirements of the code.

33 (d) Amendments adopted by municipalities **and submitted to the board under the**
34 **provisions of RSA 674:51, II**, shall be published by the board.

35 9 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

36 VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the
37 Life Safety Code, ~~[2015]~~ **NFPA 101, 2018** edition, and the Uniform Fire Code NFPA 1, ~~[2015]~~ **2018**

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1 edition, as published by the National Fire Protection Association and as amended by the state board
2 of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other
3 national code, model code, or standard referred to within a code listed in this definition shall be
4 included in the state fire code unless amended in accordance with RSA 153:5.

5 10 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA
6 153:5, I, the general court hereby ratifies all amendments reviewed and approved by the board of fire
7 control as of January 30, 2021.

8 11 Effective Date. This act shall take effect 60 days after its passage.

**HB 1681-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the state building code.

FISCAL IMPACT: [] State [] County [] Local [X] None

METHODOLOGY:

This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety and New Hampshire Municipal Association

LBA
22-3121
Amended 3/25/22

**HB 1681-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0422h)**

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FISCAL IMPACT: State County Local None

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HB 1681-FN - AS AMENDED BY THE SENATE

10Mar2022... 0422h
03/31/2022 1196s

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HB 1681-FN - AS AMENDED BY THE SENATE

- Page 3 -

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5 board under this section.

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21 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
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HB 1681-FN - AS AMENDED BY THE SENATE

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1 VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the
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4 of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other
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6 included in the state fire code unless amended in accordance with RSA 153:5.

7 10 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA
8 153:5, I, the general court hereby ratifies all amendments reviewed and approved by the board of fire
9 control as of January 30, 2021.

10 11 Effective Date. This act shall take effect upon its passage.

LBA
22-3121
Amended 4/5/22

HB 1681-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-1196s)

AN ACT relative to the state building code and the state fire code.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety and New Hampshire Municipal Association

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COMMITTEE: Executive Departments and Administration *QTP/A 18-0 CONSENT*
SENATE ED+A : QTP/A 5-0 CONSENT

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7 ~~appropriate legislation within 2 years of their adoption. If such code and amendments are not~~
8 ~~ratified, then the code and amendments shall expire at the end of the 2-year period.]~~

9 155-A:3-b Code Requirements; Log Structures.

10 ~~[I.]~~ Notwithstanding any provisions of the state building code or state fire code, the state
11 building code review board shall ~~[adopt]~~ **review and recommend** amendments to the state building
12 code regulating the design and construction of log structures. The adopted amendments shall
13 include ICC 400 Standard on the Design and Construction of Log Structures.

14 ~~II. The amendments adopted under paragraph I shall be ratified by appropriate legislation~~
15 ~~within 2 years of their adoption. If such amendments are not ratified, then the amendments shall~~
16 ~~expire at the end of the 2-year period.]~~

17 8 State Building Code Review Board. Amend RSA 155-A:10, IV to read as follows:

18 IV. The board shall meet to review and assess the application of the state building code and
19 shall recommend legislation, as the board deems necessary, to amend the requirements of the state
20 building code in order to provide consistency with the application of other laws, rules, or regulations,
21 to avoid undue economic impacts on the public by considering the cost of such amendments, and to
22 promote public safety and best practices.

23 (a) The board ~~[may recommend adoption of]~~ **shall review** a newer version of a code that
24 has been published for ~~[at least]~~ 2 years, and shall provide a summary of all significant changes, cost
25 estimates of these changes, and documentation of the need for the change in ~~[the]~~ **any** recommended
26 legislation.

27 (b) Amendments to the codes shall be reviewed and approved by the board, then
28 submitted annually to the legislature for ratification by the adoption of appropriate legislation before
29 they become effective.

30 (c) The board may hear appeals of final decisions of any local building code board of
31 appeals established under RSA 674, provided that the appeal shall be based on a claim that the
32 intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the
33 provisions of the code do not fully apply, or there is an alternative construction. The board shall not
34 have authority to waive or grant variances to requirements of the code.

35 (d) Amendments adopted by municipalities **and submitted to the board under the**
36 **provisions of RSA 674:51, II**, shall be published by the board.

37 9 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

HB 1681-FN - AS AMENDED BY THE SENATE

- Page 4 -

1 VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the
2 Life Safety Code, [2015] *NFPA 101, 2018* edition, and the Uniform Fire Code NFPA 1, [2015] *2018*
3 edition, as published by the National Fire Protection Association and as amended by the state board
4 of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other
5 national code, model code, or standard referred to within a code listed in this definition shall be
6 included in the state fire code unless amended in accordance with RSA 153:5.

7 10 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA
8 153:5, I, the general court hereby ratifies all amendments reviewed and approved by the board of fire
9 control as of January 30, 2021.

10 11 Effective Date. This act shall take effect upon its passage.

LBA
22-3121
Amended 4/5/22

HB 1681-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-1196s)

AN ACT relative to the state building code and the state fire code.

FISCAL IMPACT: [] State [] County [] Local [X] None

METHODOLOGY:

This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety and New Hampshire Municipal Association

LBA
22-3121
Amended 4/5/22

HB 1681-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2022-1196s)

AN ACT relative to the state building code and the state fire code.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill will have no impact on state, county, and local revenue or expenditures.

AGENCIES CONTACTED:

Department of Safety and New Hampshire Municipal Association

CHAPTER 311
HB 1681-FN - FINAL VERSION

10Mar2022... 0422h
03/31/2022 1196s
26May2022... 2117EBA

2022 SESSION

22-3121
05/10

HOUSE BILL ***1681-FN***

AN ACT relative to the state building code and the state fire code.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Pimentel, Merr. 6; Sen. Reagan, Dist 17; Sen. Carson,
Dist 14; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Revises the definition of the state building code.

II. Addresses the version of the building code applicable immediately following adoption of an updated edition, and clarifies the role of the state building code review board.

III. Requires municipalities to submit local building ordinances to the state building code review board for informational purposes.

IV. Revises the definition of the New Hampshire fire code.

V. Ratifies amendments to the state fire code.

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.

CHAPTER 311
HB 1681-FN - FINAL VERSION

10Mar2022... 0422h
03/31/2022 1196s
26May2022... 2117EBA

22-3121
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the state building code and the state fire code.

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

1 311:1 New Hampshire Building Code; Definition of Building. Amend RSA 155-A:1, I to read as
2 follows:

3 I. "Building" means building as defined and interpreted by the International Code Council's
4 International Building Code [2015] ***adopted under RSA 155-A:1, IV***, as amended by the state building
5 code review board and ratified by the legislature in accordance with RSA 155-A:10.

6 311:2 New Hampshire Building Code; Definition. Amend RSA 155-A:1, IV to read as follows:

7 IV. "New Hampshire building code" or "state building code" means the adoption by reference of
8 the International Building Code [2015] ***2018***, the International Existing Building Code [2015] ***2018***, the
9 International Plumbing Code [2015] ***2018***, the International Mechanical Code [2015] ***2018***, the
10 International Energy Conservation Code [2015] ***2018***, the International Swimming Pool and Spa Code
11 [2015] ***2018***, and the International Residential Code [2015] ***2018***, as published by the International Code
12 Council ***Inc.***, and the National Electrical Code [2017] ***2020, as published by the National Fire Protection***
13 ***Association, Inc.***, as [amended] ***reviewed and recommended*** by the state building code review board,
14 ***including all amendments reviewed and approved by the board as of November 30, 2021***, and ratified by
15 the legislature in accordance with RSA 155-A:10. The provisions of any other national code or model
16 code referred to within a code listed in this definition shall not be included in the state building code unless
17 specifically included in the codes listed in this definition.

18 311:3 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, VI to read as
19 follows:

20 VI. "Structure" means structure as defined and interpreted by the International Code Council's
21 International Building Code [2015] ***adopted under RSA 155-A:1, IV***, as amended by the state building
22 code review board and ratified by the legislature in accordance with RSA 155-A:10.

23 311:4 State Building Code. Amend RSA 155-A:2, I to read as follows:

24 I. All buildings, building components, and structures constructed in New Hampshire shall comply
25 with the state building code and state fire code. The construction, design, structure, maintenance, and
26 use of all buildings or structures to be erected and the alteration, renovation, rehabilitation, repair,
27 removal, or demolition of all buildings and structures previously erected shall be governed by the
28 provisions of the state building code. ***The state building code in effect at the time that the application for***
29 ***the building permit required by RSA 155-A:4 is received by the governing authority shall remain in effect***
30 ***for the duration of the work covered by that permit. This requirement notwithstanding, for a period of 6***
31 ***months after the effective date of the code adopted under RSA 155-A:1, IV, a concurrency period is***

CHAPTER 311
HB 1681-FN - FINAL VERSION

- Page 2 -

1 *established, allowing building permits, and other required documents, at the election of the applicant, to*
2 *show compliance using either the code in effect just prior the effective date of the code adopted under*
3 *RSA 155-A:1, IV, or the code adopted under RSA 155-A:1, IV, but not a combination of the 2 codes.*

4 311:5 State Building Code. Amend RSA 155-A:2, X and XI to read as follows:

5 X. No state agency, authority, board, or commission shall vary, modify, or waive the requirements
6 of the state building code or state fire code, unless approved by the state building code review board
7 pursuant to RSA 155-A relative to the state building code or the state fire marshal pursuant to RSA 153:8-
8 a, l(c) for the state fire code. Nothing in this chapter shall affect the statutory authority of the
9 commissioner of labor, the state board for the licensing and regulation of plumbers, or the state
10 electricians' board to administer their respective programs, provided that any changes to codes proposed
11 under the rulemaking authority of these agencies shall not be enforced until approved by the state building
12 code review board *and ratified by the legislature in accordance with RSA 155-A:10.*

13 XI. Notwithstanding the [~~inclusion~~] *adopted edition* of the National Electrical Code [~~2017~~] in the
14 state building code under RSA 155-A:1, IV, [~~the amended provisions of section 210.12~~] *any provision* of
15 the National Electrical Code, which [~~modify the National Electrical Code 2014 version to add~~] *requires* arc-
16 fault circuit interrupter [~~requirements for dormitory unit devices and bathrooms, guest rooms and guest~~
17 ~~suites, and branch circuit extensions or modifications for dormitory units~~] *protection in excess of the*
18 *requirements of the 2014 National Electrical Code* shall not be enforced under the state building code or
19 this chapter.

20 311:6 New Paragraph; Local Amendments Submitted to State Building Code Review Board. Amend
21 RSA 155-A:3 by inserting after paragraph IV the following new paragraph:

22 V. Any ordinance adopted under RSA 674:51 by a local legislative body shall be submitted to the
23 state building code review board for informational purposes.

24 311:7 Code Requirements for Biomass Burning Boilers and Log Structures. Amend RSA 155-A:3-a
25 and 155-A:3-b to read as follows:

26 155-A:3-a Code Requirements; Biomass Burning Boilers.

27 I. Notwithstanding any provisions of the state building code or state fire code, the board shall
28 [~~adopt~~] *review and recommend* a code and amendments thereto which shall regulate the installation and
29 operation of biomass burning boilers. The code adopted shall include the [~~1999~~] EN 303-5 standard
30 established by the European Committee for Standardization, and shall include requirements for the safe
31 installation, operation, and repair of such boilers, and for data plates and warning labels written in English,
32 limits on temperature and pressure with associated relief valves, and the filing of construction and
33 emissions specifications written in English.

34 II. The inspection procedures and enforcement requirements for the commissioner of labor in
35 RSA 157-A shall apply to boilers installed according to the code and amendments adopted by the board
36 under this section.

37 [~~III. The code and amendments thereto adopted under paragraph I shall be ratified by appropriate~~
38 ~~legislation within 2 years of their adoption. If such code and amendments are not ratified, then the code~~
39 ~~and amendments shall expire at the end of the 2-year period.]~~

CHAPTER 311
HB 1681-FN - FINAL VERSION
- Page 3 -

1 155-A:3-b Code Requirements; Log Structures.

2 ~~[[.]~~ Notwithstanding any provisions of the state building code or state fire code, the state building
3 code review board shall ~~[adopt]~~ **review and recommend** amendments to the state building code regulating
4 the design and construction of log structures. The adopted amendments shall include ICC 400 Standard
5 on the Design and Construction of Log Structures.

6 ~~[[I.] The amendments adopted under paragraph I shall be ratified by appropriate legislation within
7 2 years of their adoption. If such amendments are not ratified, then the amendments shall expire at the
8 end of the 2-year period.]~~

9 311:8 State Building Code Review Board. Amend RSA 155-A:10, IV to read as follows:

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

15 (a) The board ~~[may recommend adoption of]~~ **shall review** a newer version of a code that has
16 been published for ~~[at least]~~ 2 years, and shall provide a summary of all significant changes, cost
17 estimates of these changes, and documentation of the need for the change in ~~[the]~~ **any** recommended
18 legislation.

19 (b) Amendments to the codes shall be reviewed and approved by the board, then submitted
20 annually to the legislature for ratification by the adoption of appropriate legislation before they become
21 effective.

22 (c) The board may hear appeals of final decisions of any local building code board of appeals
23 established under RSA 674, provided that the appeal shall be based on a claim that the intent of the code
24 or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do
25 not fully apply, or there is an alternative construction. The board shall not have authority to waive or grant
26 variances to requirements of the code.

27 (d) Amendments adopted by municipalities **and submitted to the board under the provisions**
28 **of RSA 674:51, II**, shall be published by the board.

29 311:9 New Hampshire Fire Code. Amend RSA 153:1, VI-a to read as follows:

30 VI-a. "New Hampshire fire code" or "state fire code" means the adoption by reference of the Life
31 Safety Code, ~~[2015]~~ **NFPA 101, 2018** edition, and the Uniform Fire Code NFPA 1, ~~[2015]~~ **2018** edition, as
32 published by the National Fire Protection Association and as amended by the state board of fire control
33 and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model
34 code, or standard referred to within a code listed in this definition shall be included in the state fire code
35 unless amended in accordance with RSA 153:5.

36 311:10 State Fire Code; Ratification of Amendments; State Board of Fire Control. Pursuant to RSA
37 153:5, I, the general court hereby ratifies all amendments reviewed and approved by the board of fire
38 control as of January 30, 2021.

CHAPTER 311
HB 1681-FN - FINAL VERSION
- Page 4 -

1 311:11 State Building Code Review Board. RSA 155-A:10, IV is repealed and reenacted to read as
2 follows:

3 IV. The board shall meet to review and assess the application of the state building code and shall
4 recommend legislation, as the board deems necessary, to amend the requirements of the state building
5 code in order to provide consistency with the application of other laws, rules, or regulations, to avoid
6 undue economic impacts on the public by considering the cost of such amendments, and to promote
7 public safety and best practices.

8 (a) The board shall review a newer version of a code that has been published for 2 years,
9 and shall provide a summary of all significant changes, cost estimates of these changes, and
10 documentation of the need for the change in any recommended legislation.

11 (b) Statewide amendments to the state building code shall be reviewed and approved by the
12 board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation
13 before they become effective.

14 (c) Municipal amendments: municipalities shall submit proposed amendments to the state
15 building code to the board for review and confirmation prior to adoption. Municipalities may submit
16 proposed language to the board for an advisory opinion at any time. Cities shall submit the final proposed
17 building code amendment no later than 90 days before final adoption. Towns shall submit the final
18 proposed building code amendment no later than 10 days after the conclusion of the final public hearing.
19 Municipal submissions shall include the final text for each amendment. The board shall act to review and
20 confirm proposed municipal amendments within 90 days of submission for cities, and 45 days for towns.
21 Failure of the board to act within these timeframes shall constitute a confirmation of the municipal
22 amendment. The board's review shall be limited to a confirmation that the local amendment does not
23 establish requirements conflicting with, or less stringent than, the requirements of the state building code,
24 and to verify with the state fire marshal that there is no conflict with the fire code.

25 (d) Once an amendment is approved by the legislative body, the municipality shall submit
26 documentation to the building code review board within 30 days, pursuant to subparagraph (c), that the
27 public hearing was properly noticed and held, and that the provision was adopted by the local legislative
28 body.

29 (e) The board may hear appeals of final decisions of any local building code board of appeals
30 established under RSA 674, provided that the appeal shall be based on a claim that the intent of the code
31 or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do
32 not fully apply, or there is an alternative construction. The board shall not have authority to waive or grant
33 variances to requirements of the code.

34 (f) Amendments adopted by municipalities, submitted to the board under the provisions of
35 RSA 674:51, II, and confirmed by the board, shall be published by the board after notification of adoption
36 is received from the municipality.

37 311:12 Contingency. If SB 443-FN of the 2022 regular legislative session becomes law, then section
38 11 of this act shall take effect on January 1, 2023 at 12:01 a.m., and section 8 of this act shall not take

CHAPTER 311
HB 1681-FN - FINAL VERSION
- Page 5 -

1 effect. If SB 443-FN does not become law, then section 8 of this act shall take effect as provided in
2 section 13 of this act, and section 11 of this act shall not take effect.

3 311:13 Effective Date.

4 I. Section 11 of this act shall take effect as provided in section 12 of this act.

5 II. The remainder of this act shall take effect upon its passage.

Approved: July 01, 2022

Effective Date:

I. Section 11 shall take effect as provided in section 12

II. Remainder effective July 1, 2022

Amendments

Senate Executive Departments and Administration
March 23, 2022
2022-1196s
05/10

Amendment to HB 1681-FN

- 1 Amend the bill by replacing section 11 with the following:
- 2
- 3 11 Effective Date. This act shall take effect upon its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
 Sen John Reagan, Vice Chair
 Sen Denise Ricciardi, Member
 Sen Kevin Cavanaugh, Member
 Sen Suzanne Prentiss, Member

Date: March 16, 2022

HEARINGS

	Wednesday	03/23/2022
	(Day)	(Date)
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 1681-FN	relative to the state building code and the state fire code.	
9:15 a.m. HB 1548-LOCAL	relating to the sale of the Lakes Region Facility.	
9:30 a.m. HB 1446-FN	relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.	
9:45 a.m. HB 1354	relative to regulation by the New Hampshire real estate commission.	
10:00 a.m. HB 1059	clarifying limits on licensure by operation of law.	
10:15 a.m. HB 1581	relative to the use of open source software by state agencies.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1681-FN

Rep. McGuire
 Sen. Cavanaugh

Rep. Pimentel
 Sen. Prentiss

Sen. Reagan

Sen. Carson

HB 1548-LOCAL

Rep. Fellows
 Rep. Ham

Rep. Adjutant
 Rep. Crawford

Rep. Marsh
 Rep. Weston

Rep. Suzanne Smith
 Sen. Giuda

HB 1446-FN

Rep. Schuett

Rep. McGuire

HB 1354

Rep. Acton

HB 1059

Rep. Fellows

HB 1581

Rep. Berezny

Rep. Ammon

Rep. Hill

Rep. Gallager

Chantell Wheeler 271-1403

Sharon M Carson
 Chairman

**Senate Executive Departments and Administration
Committee**

Chantell Wheeler 271-1403

HB 1681-FN, relative to the state building code and the state fire code.

Hearing Date: March 23, 2022

Members of the Committee Present: Senators Carson, Reagan, Ricciardi and Prentiss

Members of the Committee Absent : Senator Cavanaugh

Bill Analysis: This bill:

- I. Revises the definition of the state building code.
 - II. Addresses the version of the building code applicable immediately following adoption of an updated edition, and clarifies the role of the state building code review board.
 - III. Requires municipalities to submit local building ordinances to the state building code review board for informational purposes.
 - IV. Revises the definition of the New Hampshire fire code.
 - V. Ratifies amendments to the state fire code.
-

Sponsors:

Rep. McGuire
Sen. Carson

Rep. Pimentel
Sen. Cavanaugh

Sen. Reagan
Sen. Prentiss

Who supports the bill: Senators Cavanaugh, Reagan and Carson, Rep. McGuire, Adam Schmidt (N.H. Association of Fire Chiefs), Rowan Ferrier (Home Builders), Steven Paquin (N.H. Building Officials), Sean Toomey, State Fire Marshall, Kelly Buchanan (Clean Energy N.H.), Gary Abbott (Associated General Contractors), Natch Greyes (N.H. Municipal Association), Steven Rancourt (Electrical Contractors Business Association)

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented in support:

Representative McGuire:

- Strongly supports this bill that updates the state fire and building code and provides a 6-month grace period for constructions projects in progress at the time of the code update.
- This bill includes all the amendments adopted by the review boards.

Senator Carson asked if this bill would bring N.H. up to one code cycle behind. Rep. McGuire confirmed this is accurate.

Sean Toomey, N.H. State Fire Marshall

- Marshall Toomey explained that the 2021 codes are out and are being reviewed.
- Marshall Toomey reported that SB 398 was amended to be effective upon passage and suggested that this bill could be amended to match SB 398.

Gary Abbott, Associated General Contractors of N.H.

- Mr. Abbott stated his strong support for this bill as a priority.
- The 6-month grace period is greatly appreciated.
- Agreed with the suggestion to amend the effective date to match prior bills.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

cbw

Date Hearing Report completed: March 24, 2022

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1681 on 2022-03-23

Support: 3 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Reagan, Senator John	An Elected Official	Myself	Support
Carson, Senator	An Elected Official	Myself	Support

Testimony



Robert L. Quinn
Commissioner

State of New Hampshire

DEPARTMENT OF SAFETY

Division of Fire Safety

Office of the State Fire Marshal

Office: 110 Smokey Bear Boulevard, Concord, NH 03301

Mailing Address: 33 Hazen Drive, Concord, NH 03305

Telephone: 603-223-4289 • Fax: 603-223-4294

www.nh.gov/firesafety



Sean P. Toomey
State Fire Marshal

March 23, 2022

Senator Sharon Carson
Senator John Reagan
Senator Kevin Cavanaugh
Senator Suzanne Prentiss
Senator Denise Ricciardi

RE: HB 1681-FN Relative to the State Building Code

Dear Honorable Members of the Committee,

I'm writing this letter to offer my support of the adoption of the 2018 editions of the State Fire Code and State Building Code. It is noted in the introduced bill language that the State Fire Code was not included and an amendment was made to include the 2018 editions of the Uniform Fire Code, NFPA 1 and the Life Safety Code, NFPA 101.

The State Fire Marshal's Office supports the work of the Board of Fire Control and Building Code Review Board in their work to evaluate the model codes and proposed NH amendments. The respective boards have completed a comprehensive review and recommend this move with the associated amendments for future legislative action.

Since September 2019 the State Fire Code means the adoption of the 2015 editions of the Life Safety Code (NFPA 101) and Uniform Fire Code (NFPA 1) with amendments by the State Board of Fire Control and ratified by the General Court pursuant to RSA 153:1 and RSA 153:5. The goal of this office and the Board of Fire Control is to maintain a State Fire Code that is one code cycle behind. This allows the Board of Fire Control to complete a comprehensive review of the model code, consider necessary NH amendments, seek stakeholder input and hold public hearings prior to bringing a package forward for consideration by the General Court.

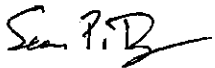
The effort to evaluate the 2018 edition of the State Fire Code began in January 2020 with the formation of a subcommittee of the Board of Fire Control. The State Fire Marshal's Office worked collaboratively with the Board of Fire Control subcommittee. The evaluation included a review of the substantial changes for NFPA 1 and NFPA 101. The subcommittee met numerous times, sought stakeholder input and reported back at each of the regular meetings of the full Board of Fire Control in 2020. On January 27, 2021 the Board of Fire Control held a public hearing to address nine petitions addressing proposed code amendments. Each of these petitions was reviewed, open for public comments and approved by the Board following the process.

I offer a summary of the petitions below and have included each of them as part of this package.

- RE 21-01-18 Addresses a new requirement in NFPA 1 that would require minimum professional qualifications for inspectors, plans examiners and fire marshals. Proposed amendment provides greater flexibility.
- RE 21-02-18 Addresses an update to the NFPA 1124 relative to consumer fireworks stores. Proposed amendment provides an update and carry-forward language to address protection requirements for consumer fireworks stores.
- RE 21-03-18 Addresses a new requirement in NFPA 1 that would require minimum inspection frequencies in existing occupancies. Proposed amendment switches language from shall to may.
- RE 21-04-18 Addresses new requirement for sprinkler protection for educational occupancies. Proposed amendment aligns the language with the 2018 IBC.
- RE 21-05-18 Addresses new requirement in NFPA 1 relative to fall protection. Proposed amendment removes new requirements for fall protection in bathtubs and showers.
- RE 21-06-18 Addresses carry-forward amendments from 2015 to 2018 in NFPA 1. Proposed amendment is a carry-forward amendment from 2015-2018.
- RE 21-07-18 Addresses carry-forward amendments from 2015 to 2018 in NFPA 101. Proposed amendment is a carry-forward amendment from 2015-2018.
- RE 21-08-18 Addresses carry-forward amendments from 2015 to 2018 in NFPA 30A. Proposed amendment is a carry-forward amendment from 2015-2018.
- RE 21-09-18 Addresses carry-forward amendments from 2015 to 2018 in NFPA 31. Proposed amendment is a carry-forward amendment from 2015-2018.

We look forward to working with you relative to the assessment of the 2018 codes for New Hampshire. If you have any questions or need additional information, please feel free to contact me.

Sincerely,



Sean P. Toomey, P.E.
State Fire Marshal

Voting Sheets

Senate Executive Departments and Administration Committee EXECUTIVE SESSION RECORD

2022 Session

Bill # HB 1681

Hearing date: 3/23/2022
3/23/2022

Executive Session date:

Motion of: com. am effective date upon passage Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Carson

Notes: Sen Cavanaugh

Senate Finance Committee

EXECUTIVE SESSION

Bill # HB 1681-FW

Hearing date: N/A

Executive session date: 04/12/22

Motion of: OTF

VOTE: 7-0

<u>Made by</u> : Daniels <input type="checkbox"/>	<u>Seconded</u> : Daniels <input type="checkbox"/>	<u>Reported</u> : Daniels <input type="checkbox"/>
<u>Senator</u> : Reagan <input checked="" type="checkbox"/>	<u>by Senator</u> : Reagan <input type="checkbox"/>	<u>by Senator</u> : Reagan <input checked="" type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> : Daniels <input type="checkbox"/>	<u>Seconded</u> : Daniels <input type="checkbox"/>	<u>Reported</u> : Daniels <input type="checkbox"/>
<u>Senator</u> : Reagan <input type="checkbox"/>	<u>by Senator</u> : Reagan <input type="checkbox"/>	<u>by Senator</u> : Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 23, 2022

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 1681-FN**

AN ACT

relative to the state building code and the state fire
code.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1196s

Senator Kevin Cavanaugh
For the Committee

This bill, as amended, conforms NH to the 2018 set of national codes, which includes the fire code, building code, plumbing code, mechanical code, energy conservation code, swimming pool and spa code and residential code. This bill puts NH one code cycle behind, which is common practice.

Chantell Wheeler 271-1403

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, April 12, 2022

THE COMMITTEE ON Finance

to which was referred **HB 1681-FN**

AN ACT relative to the state building code and the state fire
code.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 7-0

Senator John Reagan
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of HB1681

Docket Abbreviations

Bill Title: (New Title) relative to the state building code and the state fire code.**Official Docket of HB1681.:**

Date	Body	Description
12/30/2021	H	Introduced 01/05/2022 and referred to Executive Departments and Administration
1/31/2022	H	Public Hearing: 01/31/2022 1:00 p.m. LOB302-304
3/10/2022	H	Committee Report: Ought to Pass with Amendment #2022-0422h (NT) (Vote 18-0; CC)
3/11/2022	H	Amendment #2022-0422h : AA VV 03/10/2022 HJ 5
3/11/2022	H	Ought to Pass with Amendment 2022-0422h: MA VV 03/10/2022 HJ 5
3/15/2022	S	Introduced 02/24/2022 and Referred to Executive Departments and Administration; SJ 5
3/16/2022	S	Hearing: 03/23/2022, Room 103, SH, 09:00 am; SC 12
3/23/2022	S	Committee Report: Ought to Pass with Amendment #2022-1196s , 03/31/2022; Vote 5-0; CC; SC 13
3/31/2022	S	Committee Amendment #2022-1196s , AA, VV; 03/31/2022; SJ 7
3/31/2022	S	Ought to Pass with Amendment 2022-1196s, MA, VV; Refer to Finance Rule 4-5; 03/31/2022; SJ 7
4/13/2022	S	Committee Report: Ought to Pass, 04/21/2022; SC 16
4/21/2022	S	Ought to Pass: MA, VV; OT3rdg; 04/21/2022; SJ 9
5/13/2022	H	House Concurs with Senate Amendment (Rep. McGuire): MA VV 05/12/2022 HJ 13
6/15/2022	S	Enrolled Bill Amendment #2022-2117e Adopted, VV, (In recess of 05/26/2022); SJ 13
6/15/2022	H	Enrolled Bill Amendment #2022-2117e : AA VV (in recess of) 05/26/2022 HJ 14
6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
7/7/2022	H	Signed by Governor Sununu 07/01/2022; Chapter 311; eff. I. Sec 11 eff. as provided in sec 12 II. Rem eff. 07/01/2022 HJ 14

NH House

NH Senate

General Court of New Hampshire - Bill Status System

Docket of HB1681

Docket Abbreviations

Bill Title: (New Title) relative to the state building code and the state fire code.*Official Docket of HB1681.:*

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3/11/2022	H	Amendment #2022-0422h : AA VV 03/10/2022 HJ 5
3/11/2022	H	Ought to Pass with Amendment 2022-0422h: MA VV 03/10/2022 HJ 5
3/15/2022	S	Introduced 02/24/2022 and Referred to Executive Departments and Administration; SJ 5
3/16/2022	S	Hearing: 03/23/2022, Room 103, SH, 09:00 am; SC 12
3/23/2022	S	Committee Report: Ought to Pass with Amendment #2022-1196s , 03/31/2022; Vote 5-0; CC; SC 13
3/31/2022	S	Committee Amendment #2022-1196s , AA, VV; 03/31/2022; SJ 7
3/31/2022	S	Ought to Pass with Amendment 2022-1196s, MA, VV; Refer to Finance Rule 4-5; 03/31/2022; SJ 7
4/13/2022	S	Committee Report: Ought to Pass, 04/21/2022; SC 16
4/21/2022	S	Ought to Pass: MA, VV; OT3rdg; 04/21/2022; SJ 9
5/13/2022	H	House Concurs with Senate Amendment (Rep. McGuire): MA VV 05/12/2022 HJ 13
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6/15/2022	H	Enrolled Bill Amendment #2022-2117e : AA VV (In recess of) 05/26/2022 HJ 14
6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
7/7/2022	H	Signed by Governor Sununu 07/01/2022; Chapter 311; eff. I. Sec 11 eff. as provided in sec 12 II. Rem eff. 07/01/2022 HJ 14

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1681 PM

Senate Committee: ED A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 11965 ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate ___ as amended by the house
- ___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

[Signature]
Committee Aide

10/13/2008
Date

Senate Clerk's Office [Signature]

June 10, 2022
2022-2117-EBA
04/08

Enrolled Bill Amendment to HB 1681-FN

The Committee on Enrolled Bills to which was referred HB 1681-FN

AN ACT relative to the state building code and the state fire code.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1681-FN

This enrolled bill amendment adds a contingency to merge changes to the law if SB443-FN of the 2022 regular legislative session becomes law, and makes other technical corrections to the bill.

Enrolled Bill Amendment to HB 1681-FN

Amend section 2 of the bill by replacing line 8 with the following:

National Fire Protection Association, Inc., as [amended] *reviewed and recommended* by the

Amend section 3 of the bill by replacing line 1 with the following:

3 New Hampshire Building Code; Definition of Structure. Amend RSA 155-A:1, VI to read as

Amend the bill by replacing all after section 10 with the following:

11 State Building Code Review Board. RSA 155-A:10, IV is repealed and reenacted 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 amend the requirements of the state building 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 cost of such amendments, and to promote public safety and best practices.

ENROLLED BILL AMENDMENT TO HB 1681-FN

- Page 2 -

(a) The board shall review a newer version of a code that has been published for 2 years, and shall provide a summary of all significant changes, cost estimates of these changes, and documentation of the need for the change in any recommended legislation.

(b) Statewide amendments to the state building code shall be reviewed and approved by the board, then submitted annually to the legislature for ratification by the adoption of appropriate legislation before they become effective.

(c) Municipal amendments: municipalities shall submit proposed amendments to the state building code to the board for review and confirmation prior to adoption. Municipalities may submit proposed language to the board for an advisory opinion at any time. Cities shall submit the final proposed building code amendment no later than 90 days before final adoption. Towns shall submit the final proposed building code amendment no later than 10 days after the conclusion of the final public hearing. Municipal submissions shall include the final text for each amendment. The board shall act to review and confirm proposed municipal amendments within 90 days of submission for cities, and 45 days for towns. Failure of the board to act within these timeframes shall constitute a confirmation of the municipal amendment. The board's review shall be limited to a confirmation that the local amendment does not establish requirements conflicting with, or less stringent than, the requirements of the state building code, and to verify with the state fire marshal that there is no conflict with the fire code.

(d) Once an amendment is approved by the legislative body, the municipality shall submit documentation to the building code review board within 30 days, pursuant to subparagraph (c), that the public hearing was properly noticed and held, and that the provision was adopted by the local legislative body.

(e) The board may hear appeals of final decisions of any local building code board of appeals established under RSA 674, provided that the appeal shall be based on a claim that the intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or there is an alternative construction. The board shall not have authority to waive or grant variances to requirements of the code.

(f) Amendments adopted by municipalities, submitted to the board under the provisions of RSA 674:51, II, and confirmed by the board, shall be published by the board after notification of adoption is received from the municipality.

12 Contingency. If SB 443-FN of the 2022 regular legislative session becomes law, then section 11 of this act shall take effect on January 1, 2023 at 12:01 a.m., and section 8 of this act shall not take effect. If SB 443-FN does not become law, then section 8 of this act shall take effect as provided in section 13 of this act, and section 11 of this act shall not take effect.

13 Effective Date.

I. Section 11 of this act shall take effect as provided in section 12 of this act.

II. The remainder of this act shall take effect upon its passage.

Senate Inventory Checklist for Archives

Bill Number: HB 1681-FN

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

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___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s) 2117c

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martore
Committee Aide

06/16/22
Date

Senate Clerk's Office jm