



NEW HAMPSHIRE ASSOCIATION OF FIRE CHIEFS, INC.

Working Together to Make a Difference

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Call to order at 0836 hours on the Zoom platform by President Best
Present: Best, Emanuel, Watkins, Hunter, Carrier, Buxton, Chamberlain, Sitar, McShane, Thomas, Adam Schmidt

Motion by Hunter, Sitar to approve February BOD minutes

Financial update was posted, February report has been posted, March report was sent out today

President Best:

Nominations Committee (Jay Lyons) - looking to fill Mike McQuillen position, others are interested in continuing on the BOD positions as planned.

Mike Sitar is interested in serving as the past president, Kirk Beattie has stepped down due to conflict of interest with his new position.

House Bill 436 (Pension Reform Bill)

Best and Schmidt met with

Division 1 of House Finance held a work session on HB 436. The sponsors explained the intent to eliminate the “middle tier” in Group II and the funding mechanism to allow for that to happen (\$25 million per year in general funds, for 10 years). The House recently approved the policy and the focus of the work session was to review the financial impact.

Division members had a number of questions regarding the impacts on the retirement system of the proposed revisions to benefits. Generally, there were concerns that even after the 2011 changes, the shortfall in the retirement system has grown from \$2 billion to over \$5 billion. Supporters acknowledged that was true, but countered by highlighting the total amount of holdings by the system is over \$11 billion and the percentage of funded liabilities has improved. In addition, there were questions regarding the impacts on municipalities required contributions.

After about an hour of discussion, the Division voted 9-0 to retain the bill. Prior to the vote, several committee members indicated that the Finance Committee could attempt to implement the funding and the statutory change as part of the budget. It was not clear if there was consensus on that suggestion. The full committee will vote on the recommendation to retain the bill later this month

1200 fire department employees would be impacted. The goal is to retain employees that have between 10-19 years of service in the system.

PFFNH is interested in conducting a Q&A round table on Monday March 13, 2023 with the Police Association, Troopers Association, Town managers, and NHAFC to provide information to impacted individuals.

Discussion about the best way for the NHAFC to proceed. Concern about impact on fire chiefs regarding retention and longevity. Buxton, Hunter, McShane and Emanuel are interested in assisting as

Motion by Hunter, Sitar to support HB 436. Motion passed unanimously.

1st Vice President Emanuel:

Legislative update: (Adam Schmidt)

Governor's budget has been introduced with additional staff at the NH Fire Academy.

House bills scheduled to go to the floor this Thursday.

- **HB 154 (local health code enforcement)** – For those Chiefs who work with Health code officials, or are the health code officer, you should read the report to get a sense of the proposed change to the adoption of local ordinances.
- **HB 265 (sprinkler tax credit)** – You may have seen some coverage about the vote from the committee to kill the bill. The committee report helps provide details regarding their recommendation not to support the bill.
- **HB 376 (dispatcher training)** – NHAFC has been asked about the bill. We have been monitoring it. The bill simply creates a study to look at the best way to educate dispatch personnel.
- **HB 564 (code updates)** – NHAFC supported the bill. It updates the building and fire code. The report includes an amendment which was requested by the Fire Marshal.
- **HB 647 (erosion on governmental immunity)** – NHAFC, and a lot of other entities, opposed the bill. The committee is recommending it should be killed. We will see what the House does on Thursday.

Monday, March 6, 2023

9:00 AM HOUSE PUBLIC WORKS AND HIGHWAYS executive session on **HB 296** - Relative to Local Authority For Granting Driveway Permits, **HB 606** - Requiring Construction Of State Buildings or State-funded Projects to Contain Electric Vehicle (ev) Charging Infrastructure in LOB 201-203

Tuesday, March 7, 2023

10:00 AM HOUSE TRANSPORTATION executive session on [HB 222](#) - To Require The Use Of Seat Belts During The Operation Of Motor Vehicles in LOB 201-203

Wednesday, March 8, 2023

10:00 AM HOUSE JUDICIARY executive session on [HB 652](#) - Relative to Nonpublic Sessions Under The Right to Know Law in LOB 206-208

10:00 AM HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION public hearing on [HB 84](#) - Relative to The Emergency Management Powers Of The Department Of Transportation in LOB 306-308

10:30 AM HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION public hearing on [HB 127](#) - Relative to The Declaration Of A State Of Emergency in LOB 306-308

1:15 PM HOUSE COMMERCE AND CONSUMER AFFAIRS executive session on [HB 407](#) - Relative to Regulations On Alcohol in LOB 302-304

1:30 PM HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION executive session on [HB 457](#) - Relative to State Treasury Pension and Insurance Fund Management, [HB 461](#) - Relative to Elimination By Political Subdivision Employers Of A Group II Retirement Position, [HB 559](#) - Establishing A State Retirement Plan Group For New State Employee Members Of The Retirement System, [HB 278](#) - Relative to Special Duty Hours Worked By Retired Police Members In The Retirement System in LOB 306-308

Friday, March 10, 2023

10:00 AM COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS - NH Fire Academy 98 Smokey Bear Blvd, Classroom 2 Concord, NH 03301

Committee Reports

HB 51, Relative to Requiring Towns and School Districts Use Warrant Articles For Lobbying Agents. - Minority Committee Report: Ought to Pass; Majority Committee Report: Inexpedient to Legislate

Rep. Jim Maggiore for the Majority of Municipal and County Government. This bill would amend RSA 15:5, I to allow towns and school districts to use a warrant article for approval of every lobbying agent. Selectboards, school boards and voters already can include any appropriations for dues, subscriptions, and/or lobbying in their operating budgets or by question on a separate warrant article. The legislative body then can amend or zero-out line items through the annual meeting process. Membership organizations that lobby either have a statutorily defined membership fee (RSA 31:8) or are calculated based upon a formula combining property

valuations and population. Lobbying reports are then filed with the NH Secretary of State and are readily available in multiple forms on the Secretary of State website. Much of the attention in committee hearings was focused on the training, education, advocacy, support and lobbying efforts of the New Hampshire Municipal Association. Other membership groups like the NH School Boards Association, the NH City and Town Clerks Association, the NH Building Officials Association, the NH Automobile Dealers Association, the Business and Industry Association, the NH Grocers Association, and many more are prepared to assist with advocacy and training on any issue that benefits the municipality. This is especially helpful for small towns with limited funding that might not be aware of pending legislation with consequential effects. Requiring a warrant article for each agency is unrealistic and would severely impede the ability of a municipality to effectively manage the prudent affairs of its community. **Vote 15-5.**

Rep. Josh Yokela for the Minority of Municipal and County Government. As proposed, this bill would require association membership fees that municipalities join to be distinct from and not contingent on funding for the lobbying efforts of those associations. This would allow the local budget committees and the voters to discuss the principles by which the associations lobby and could maintain membership in the association for the information and training, but avoid having tax money go to support policies the local government or local citizens do not agree with. There are private sector unions that use this same model and the minority of the committee believes such a division of funds is not only workable but allows for more transparency and discussion around the issue of tax monies being used for lobbying efforts.

HB 90, Relative to The Municipal Planning Master Plan. - Without Recommendation

Statement in support of Ought to Pass: This bill amends RSA 674:2, III to provide additional guidelines for municipalities engaging in the master planning process. It seeks to add chapters (or categories) to master plans that reflect the changing nature of land use across the state, including increased demand for renewable energy, multi-modal transportation, and other significant matters involved with development that come before planning boards on a routine basis. Half the members of the committee recommend Ought to Pass. Rep. Laurel Stavis

Statement in support of Inexpedient to Legislate: This bill would add green initiatives to an already "suggested" and lengthy list of items contained in master planning RSAs. Committee members in favor of ITL believe this bill is unnecessary legislation. RSA 674:2, III should instead be re-drafted in future legislation in an attempt to eliminate and consolidate language rather than adding on to an ever-growing list of "suggestions" for master plan considerations. Rep. Tim Cahil

HB 154, Relative to The Adoption Of Public Health Ordinances By Municipalities. - Minority Committee Report: Inexpedient to Legislate; Majority Committee Report: Ought to Pass

Rep. Diane Pauer for the Majority of Municipal and County Government. This bill changes the manner by which public health ordinances are locally adopted. Under current statute, a new ordinance made by a town health officer shall take effect upon approval by the selectboard. This bill amends RSA 147:1 to require that any new health ordinance made by a town health officer shall require approval by a majority vote of the legislative body in order for the ordinance to take effect. Notably, RSA 147 was not used to adopt ordinances until the recent pandemic, when controversial mask mandates were enacted unilaterally by many municipalities. Under this bill, enacting a new proposed public health ordinance will not be delayed as a special meeting can be noticed by the selectboard and held with a 24 hour notice. Furthermore, in the event of an emergency or developing crisis, the Governor can declare a state of emergency and issue emergency orders if necessary. Importantly, this bill does not alter the duties and responsibilities of a town health officer to enforce existing state public health laws and rules (relative to rental housing standards, restaurants or other food serving establishments, sanitary systems, swine pens/sties, water resources, etc.) and existing local ordinances. This bill simply requires majority approval of any new public health ordinance by the town legislative body, which can be accomplished very quickly. **Vote 10-9.**

Rep. Jim Maggiore for the Minority of Municipal and County Government. This bill would amend RSA 147:1, I to wrest the authority from the health officers to enact regulations for emergent or emergency public health conditions and instead require all such regulations to be approved by the legislative body at an annual or special meeting. Under RSA 128 relative to health officers, each town is required to nominate and support a health officer for the purposes of enforcing public health laws and protecting citizens. Under RSA 147, public health officers are required to enforce state public health laws and local codes as well as identify and resolve public health issues like unsafe housing conditions, health nuisances, septic failures, hoarding, pest infestations and unsafe sanitary conditions in places where people gather, live, work, and learn. Public safety in the event of an emergency or emerging crisis cannot be delayed for up to one year for a vote of the public at an annual meeting or come only after the significant costs and time to hold a special town meeting. The president of the NH Health Officers testified that a health officer would in the normal course of fulfilling their responsibilities inform the local governing body of public health emergencies and follow all state and local rules for posting and adopting any regulations or ordinance. For these reasons the minority of the committee believes this bill is unnecessary and, in fact, will create, not mitigate, public health hazards.

HB 265, Relative to Municipal Property Tax Relief For Installation Of Fire Suppression Systems. - Inexpedient to Legislate

Rep. Jim Maggiore for Municipal and County Government. This bill would amend RSA 79-E:2, II of the Community Revitalization Tax Relief Incentive to provide additional tax relief to owners who install automatic fire suppression or sprinkler systems when renovating or rehabilitating a qualifying structure under the act that might not require such systems. Fire suppression systems are proven to save lives and preserve property in the event of a structure fire. However, the language of the bill extends the tax relief to any structures and the committee was concerned about providing tax relief for up to five years to owners who otherwise would be required to install fire suppression under state fire and building codes. Tax relief for one owner causes a shift in tax obligation to all other taxpayers in the community. **Vote 19-0.**

HB 278, Relative to Special Duty Hours Worked By Retired Police Members In The Retirement System. - Ought to Pass with Amendment Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, ratifies a series of changes made to the employer reporting requirements for part time employees working after retirement. The section specifying these requirements had been intended to be repealed in 2019, but the repeal had been missed by the legislature, OLS, and the publisher of our law books. Everyone involved accepted the changes as current law and the reporting requirements were enforced by the retirement system. When this discrepancy was noticed recently, this amendment was prepared to establish the legislative position. The original bill, completely replaced by the amendment, allowed retired police officers to work unlimited special duty hours in addition to the limited part time work, without penalty. The committee has consistently opposed such expansion of retiree work limits, particularly for a special class of retirees. **Vote 15-0.**

HB 376, Establishing A Committee to Study The Current Education, Training, and Requirements For Personnel Employed As Emergency Dispatchers and 911 Telecommunicators For Police, Fire, and Emergency Medical Organizations. - Ought to Pass

[Link for Amendment to HB 647 - 2023-0231h](#)

Rep. Jason Janvrin for Criminal Justice and Public Safety. The committee heard testimony from several stake[1]holders from the emergency communications groups that they would like the legislature to assess the current state of education, training, and requirements for emergency communications to determine if there should be standards, and further, how a centralized training opportunity could benefit them. Police and Fire Fighters have their academies. The committee

unanimously believes that a committee of three representatives and one senator should be formed to determine if a centralized training opportunity would benefit current and future emergency communications and recommend future legislation to facilitate any findings they may make. **Vote 20-0.**

HB 477, To Prohibit Municipal Inspections Of Owner-occupied Units Of Multi-unit Housing. - Minority Committee Report: Ought to Pass; Majority Committee Report: Inexpedient to Legislate

Rep. David Preece for the Majority of Municipal and County Government. This bill would prohibit local enforcement agencies from enforcing the state building code inspection of owner-occupied units in residential multi-unit structures of four units or less. The majority of the committee felt that building codes and regularly scheduled inspections are vital to protect the public from the health and safety risks posed by improperly constructed and maintained multi-unit housing. No exceptions should be given to owner-occupied units in residential multi-unit structures of four units or less. The sponsor's argument of privacy rights should be secondary to the public's protection from health and safety risks. **Vote 12-8.**

Rep. Josh Yokela for the Minority of Municipal and County Government. This bill would restrict local officials from searching the owner's unit of an owner-occupied rental property for compliance with state building codes without their consent. Some municipalities allow for regular searches of rental properties by officials for building code enforcement and this is being used to search the owner's unit which is not being rented. The minority of the committee believes this is a violation of the owner's privacy and incentivizes owners to live off-site so they can maintain their privacy, despite on-site owners likely being more accessible and responsive to issues on the property. This should not be discouraged by the state.

HB 564, Relative to Ratification Of Amendments to The State Building Code and State Fire Code. - Ought to Pass with Amendment

[Link for Amendment to HB 564 - 2023-0091h](#)

Rep. Tony Lekas for Executive Departments and Administration. This bill ratifies amendments to the state building code and fire code approved by the state building code review board. A number of these amendments expand the grandfathering of existing buildings when certain renovations or use changes occur. Other amendments resulted from the agreements reached during the Interim study of HB 1312 in 2022 regarding the requirements for grease traps in certain businesses. This relaxes the requirements on some small food service businesses while still protecting sewage disposal systems. We heard testimony that none of these changes would increase the cost of building, rather in some cases it would reduce

it; also, that none of these amendments would have a negative impact on public health or safety. The amendment to this bill does not change the initial content of the bill as introduced. It adds a fire protection engineer to the list of members of the State Advisory Board of Fire Control. When that board was originally created there were no fire protection engineers. The committee agreed that adding a person with that expertise made sense. **Vote 15-0.**

HB 647, Relative to Causes Of Action For Individual Rights.- Minority Committee Report: Ought to Pass with Amendment; Majority Committee Report: Inexpedient to Legislate

[Link for Amendment to HB 647 - 2023-0231h](#)

Rep. Joe Alexander for the Majority of Judiciary. This bill brought out extensive opposition from both public sector employees and employers, including the NH Police Association, NH Troopers Association, Professional Fire Fighters of NH, State Employees Association, AFL-CIO, AFSCME, NH Association of Chiefs of Police, NH Municipal Association, and NH Association of Counties as well as numerous state agencies. It would create new avenues for lawsuits against the state and local governments that do not currently exist, adding new costs for government entities and taxpayers. It would change limited protections all public employees currently enjoy that allows for the public's business to be served in an adequate manner. Although the bill would protect public employees from personal liability by substituting the public employer for the employee as the defendant in suits for damages, it nonetheless would negatively impact collective bargaining agreements by eliminating protections from arbitrary removal or discipline that exist in many union contracts. It allows for attorney's fees, even under small settlements, something NH does not allow in other areas of law. It will create previously unknown state constitutional claims for damages against governmental bodies that will put additional pressure on the workload of the judicial branch. By putting the actions of public sector employees under new threats of lawsuits, the bill will further add to the already severe problems of hiring and retaining qualified personnel being faced by public employers across the state. The majority felt HB 647 is a bad fit for NH, especially since current law allows for lawsuits when an employee acts outside the scope of their job responsibilities or in a wanton and reckless manner. **Vote 16-3.**

Rep. Marjorie Smith for the Minority of Judiciary. Those supporting this bill hold New Hampshire's public employees in the highest regard. Many of our employees put themselves at risk for the benefit of the state and its citizens. We also acknowledge that there are very few "rotten" apples in the system and to protect the integrity of the great majority of employees and justify the faith that the public places in the system, we believe that those who are proven to violate citizens' civil

rights should not be allowed to sully the reputation of all. When a complainant believes that their constitutionally protected civil rights have been violated, this bill permits the aggrieved individual to seek injunctive relief. The bill states that the court shall make its determination of reasonableness from the perspective of a reasonable government employee on the scene. The bill recognizes that the employee often must make split-second decisions in tense, uncertain, and rapidly evolving situations. The court shall not base its decision using perfect hindsight or facts and circumstances of a claim that are later discovered. Within that context, no employee has the right to irresponsibly violate anyone's constitutionally protected civil rights. Public employers act as agents for all of our citizens. They have an obligation to recruit, hire, train, supervise, and hold accountable their employees. Therefore, this bill holds the employer, not the employee, accountable to the people of New Hampshire.

SB 57, Relative to The Reduction In The Calculation Of State Retirement Annuities At Age 65. - Ought to Pass, Vote 6-1

Senator D'Allesandro for the committee.

SB 88, Relative to The Annual Dues Paid By Towns and Cities to Town Officers' Associations. - Ought to Pass, Vote 5-0

This bill raises the cap amount of membership dues paid by a municipality to town officers' associations. The current cap is twenty dollars which was established in 1977. This legislation allows associations, if they choose, to charge up to a maximum of fifty dollars annually

SB 110, Relative to Administration Of The Emergency Shelter Program By Cities and Towns. - Ought to Pass with Amendment, Vote 5-0

[Link for Amendment to SB 110 - 2023-0618s](#)

Senator Gray for the committee.

This bill clarifies which town or city is responsible for expenses related to emergency shelters. Additionally, it provides that, coordination of assistance options be communicated between the responsible community and the community providing the services. Every New Hampshire Community has the obligation to support their citizens with shelter. This legislation supports those efforts.

SB 204, Requiring Trauma Kits to Be Available In State-owned Buildings. - Ought to Pass with Amendment, Vote 5-0

[Link for Amendment to SB 204 - 2023-0675s](#)

Senator Perkins Kwoka for the committee.

SB 204 requires that trauma kits be available in state-owned buildings. The bill also establishes a dedicated fund in the department of safety, division of fire standards and training and emergency medical services to purchase the trauma kits. The amendment to this bill adds some definition as to what will be required to be in these kits and creates a trauma kit placement committee to determine which state buildings will have these kits.

SB 205, Relative to A Cost Of Living Adjustment In The State Retirement System. - Ought to Pass, Vote 4-1

Senator Altschiller for the committee.

Discussion about HB 647 (erosion on governmental immunity)

Housing Standards Board - position filled? Check status of appointment approval.

Old Business:

Emanuel spoke about NH HSEM grant review committee met on XXX and recommended most applications for funding and surplus funding being recommended for hazmat and active threat training.

IAFC Virtual Training https://www.bigmarker.com/series/shss-virtual-training/series_details

The Safety, Health, and Survival Section's virtual 2022-2023 trainings included in this offer cover a wide range of topics, including assembling a peer support team, cardiac health awareness and the benefits of early detection, the impacts of bullying on your members' health and wellness, and how to choose the right occupational healthcare provider for your department. Watch one training that particularly stands out to you or watch them all – the training format allows you to choose the trainings that will make the biggest impact in your department's health, safety, and wellness programs.

NHFMO - Plus One Codes - NH is looking to consolidate state-wide plus one codes.

Rick Bailey is retiring from the assistant commissioner position. Quinn and Edwards are interested in continuing. Commissioner Quinn has reached out to President Best.

Financial audit

Meeting adjourned at 0925

Notes taken by Chief David Emanuel