Bill as Introduced

HB 1221 – AS INTRODUCED

2000 SESSION

00-2495
09/10

HOUSE BILL ***1221***

AN ACT directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training.

SPONSORS: Rep. Welch, Rock 18; Rep. Hunter, Hills 7; Rep. Dyer, Hills 8

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill directs the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2495
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training.

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

1 Definition; Ayers Report. Amend RSA 21-P:25, II to read as follows:

II. As used in this subdivision:

(a) ***"Ayers report" means a formal inquiry by the commission into fire or other emergency incidents which are determined by the commission to provide an opportunity for study of the effectiveness of established standards.***

(b) "Commission" means the fire standards and training commission; and

[~~(b)~~]***(c)*** "Director" means the director of the division of fire standards and training.

[~~(c)~~]***(d)*** "Fire service personnel" means firefighters, fire officers, rescue personnel connected with fire departments, fire prevention officers, inspectors, investigators, fire instructors, public education specialists, fire alarm personnel, or any other personnel who are members of fire departments or fire-related state agencies, whether full or part-time.

2 Powers and Duties; Ayers Report. Amend RSA 21-P:28, II(a) to read as follows:

(a) Make or cause to be made studies of any aspect of fire service, education, operations, training, research or recruitment ***and establish a formal inquiry known as an Ayres report which shall be used to examine emergency incidents which are determined by the commission to provide an opportunity for study of the effectiveness of established standards***;

3 New Section; Protection From Discovery; Ayers Report. Amend RSA 21-P by inserting after section 31 the following new section:

21-P:31-a Protection From Discovery; Ayers Report. Records of proceedings of the Ayers report, including statements, minutes, reports, charts, statistics, and all other documents and utterances, which are not usually part of the public record, shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding.

4 Reference Corrected. Amend RSA 100-A:3, III-c to read as follows:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years' fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA [~~21-P:25, II(c)~~] ***21-P:25, II(d)*** who has 10 years' fire service experience, who is or becomes the director of the division of fire safety, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, firefighting, or rescue training

functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of service in that capacity with the fire standards and training commission.

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

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1221 Date JAN 19, 2000

Committee CJ + PS

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
DAVID MINNIS		224-2236	NH Fire Chiefs	X	

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1221

BILL TITLE: **directing the fire standards and training commission to establsih a formal means of inquiry for purposes of quality assurance in the fire standards and training**

DATE: **January 19, 2000**

LOB ROOM: **204** **Time Public Hearing Called to Order: 11:35 AM**

Time Adjourned: 12:02 PM

(please circle if present)

Committee Members: Reps. Welch, Christie, Hansen, Dunham, Sargent, Pepino, Flora, Mikowlski, Fesh, Weare, Andrews, J. Johnson, Tholl, Knowles, Doucette, Berube, Schanda, O'Keefe, McCarthy, Robertson, Callaghan and Rodd.

Bill Sponsors: Rep. Welch, Rock 18; Rep. Hunter, Hills 7; Rep. Dyer, Hills 8

TESTIMONY

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

See Attached

New Hampshire House of Representatives
Criminal Justice and Public Safety Committee
Committee Minutes

Bill Number - HB 1221 **Date of meeting** - January 19, 2000
Presiding - Rep. Frank Schanda

Testifying:

1. Rep. D. Welch, Rockingham Dist. #18, prime sponsor, in support. This is a result of discussions with Police Academy and Fire Standards and Training.
2. Richard Mason, Director of Fire Standards and Training, 10 Hazen Drive, Concord, NH (271-6099), in support. Wish to be legislatively authorized to have a super critique of major incidents like the Alton Dam collapse. Would be called the "Ayers Report" to honor John T. Ayers, retired firefighter who was heavily involved in fire standards. Protection from discovery was added. Asks that the bill go to sub-committee, so they can talk more to the constituent agencies to address some questions which have come up.

Rep. Knowles: Who would do the study? Response: A committee would be appointed of commission members and members of the fire service.

In answer to question from Rep. Berube: Would work closely with the Fire Marshall, not to tread on toes during a Fire Marshall inquiry.

Rep. Robertson, on protection from discovery: What if you find out someone did something wrong? They can't be prosecuted? Response: Don't know.

Rep. Knowles reiterated that these would be closed cases.

3. Jeff Brown, Professional Firefighters of N.H., P.O. Box 1992, Seabrook, NH (474-9852); with concerns. Originally voted for this proposal, but has concerns about language issues. Concerns relate to scope of investigation; whether personnel at local level would have a role; protection from discovery. (If firefighter got hurt, and it was found it was due to a faulty ladder, etc., he should be able to use the information in that report for his case.) Should include standards which should be in this state, not just those which are now in this state. Agrees that sub-committee should be formed.
4. David Minnis, representing N.H. Fire Chiefs, (224-2236), no position. Problems with line 20. All quality assurance reviews in nursing homes, etc. are protected from discovery, to assure those reports are thorough and critical. Sometimes there can be liability issues.

Rep. Knowles: What is the definition of a closed case? Response: A definition is needed in the bill, and also need language in to ensure anyone involved in the incident isn't part of the group studying it.

Rep. Maxwell D. Sargent - Clerk

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1221

BILL TITLE: **directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training.**

DATE: February 3, 2000

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Weare

Seconded by Rep. Christie

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

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 12-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maxwell D. Sargent, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB1221 **Title:** directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance on fire standards and training

PH Date: 01/19/00 **Exec Session Date:** 02/03/00

Motion: Inexpedient to Legislate **Amendment #:**

MEMBER	YEAS	NAYS
Welch, David A, Chairman	✓	
Christie, Andrew, V Chairman	✓	
Hansen, Herbert R	✓	
Dunham, Vivian L	absent	
Sargent, Maxwell D, Clerk	✓	
Pepino, Leo P	✓	
Flora, Kathleen M	absent	
Mikowlski, Walter J	absent	
Fesh, Robert M	✓	
Weare, Everett A	✓	
Andrews, Frederick B	✓	
Johnson, James M	absent	
Tholl, John E	✓	
Knowles, William V	absent	
Doucette, Richard F	absent	
Berube, Roger R	absent	
Schanda, Frank M	✓	
O'Keefe, Patricia M	absent	
McCarthy, William J	absent	
Robertson, Timothy N	✓	
Callaghan, Frank D	absent	
Rodd, Beth	✓	
TOTAL VOTE:	12	0

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Criminal Justice and Public Safety**

BILL NUMBER: **HB 1221**

TITLE: directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training.

DATE: February 3, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Following a hearing on this bill, a work session was held between members of the fire standards and training commission and other interested parties and it was determined that fire standards and training has the ability to engage in inquiries for the purpose of quality assurance. The fire standards and training commission will work with other groups to establish such a program, therefore, this bill is not needed at this time.

Vote 12-0.

Rep. Everett A. Weare
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Criminal Justice and Public Safety

HB 1221, directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Criminal Justice and Public Safety: Following a hearing on this bill, a work session was held between members of the fire standards and training commission and other interested parties and it was determined that fire standards and training has the ability to engage in inquiries for the purpose of quality assurance. The fire standards and training commission will work with other groups to establish such a program, therefore, this bill is not needed at this time. Vote 12-0.

HB 1221

Following the hearing on this bill, a work session was held between members of the FST Commission and other interested parties and it was determined that FST has the ability to engage in inquiries for the purpose of quality assurance. The FST Commission will work with other groups to establish such a program, therefore, this bill is not needed at this time.