Bill as Introduced

HB 329-FN-LOCAL – AS INTRODUCED

2001 SESSION

01-0620
04/09

HOUSE BILL ***329-FN-LOCAL***

AN ACT relative to school safety.

SPONSORS: Rep. Estabrook, Straf 8

COMMITTEE: Education

ANALYSIS

This bill requires periodic fire safety inspection of all public school buildings and requires the local school board to adopt a policy to implement such inspections. The bill also provides that all public school buildings shall be required to meet clean air standards.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 329-FN-LOCAL – AS INTRODUCED

01-0620
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to school safety.

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

1 New Section; Construction and Inspection of Public Buildings; Fire Inspection of Schools Required. Amend RSA 155-A by inserting after section 4 the following new section:

155-A:4-a Inspection of School. The state fire marshal and local school boards shall provide for periodic fire safety inspections of all public schools in the state. Such fire safety inspections shall be required to occur at least once per year. The state fire marshal, with the approval of the commissioner of the department of safety, shall adopt rules under RSA 541-A to implement this section.

2 New Section; School Boards, Teachers, etc.; Fire Safety Inspection Required. Amend RSA 189 by inserting after section 15-a the following new section:

189:15-b Fire Safety Inspections. The local school board shall adopt a policy requiring periodic fire safety inspections of all public school buildings in the school district. Such inspections shall occur at least once per year and may be conducted by the state fire marshal, the local fire chief, or other designated fire safety official. No later than 30 days after the completion of each fire safety inspection, the local school board shall forward to the department of education written documentation of compliance with this section.

3 New Paragraph; Clean Indoor Air in State Buildings; Public Schools. Amend RSA 10-B:2 by inserting after paragraph IV the following new paragraph:

V. "Public school buildings" shall mean the buildings of an elementary school as defined in RSA 189:25, or the buildings of a high school as defined in RSA 194:23, or both.

4 New Section; Clean Indoor Air in State Buildings; Clean Air in Public Schools Required. Amend RSA 10-B by inserting after section 2 the following new section:

10-B:2-a Clean Air Required in Public School Buildings. The director of plant and property management, the department of administrative services, or any other state agency authorized to build, acquire, or lease building space, shall require that public school buildings meet clean air standards in accordance with this chapter. The rulemaking provisions of RSA 10-B:3 shall apply to public school buildings under this section.

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

LBAO
01-0620
1/23/01

HB 329-FN-LOCAL - FISCAL NOTE

AN ACT relative to school safety.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from an agency.

LBAO
01-0620
Revised 3/21/01

HB 329 FISCAL NOTE

AN ACT relative to school safety.

FISCAL IMPACT:

The Department of Education indicates this bill will increase state general fund expenditures by $349,000 in FY 2002 and each year thereafter. The Departments of Safety and Administrative Services indicate they cannot determine the impact of this bill on state revenue or expenditures. None of the Departments indicated a fiscal impact to state, county and local revenue or county and local expenditures.

METHODOLOGY:

The Department of Education indicates the state will incur expenditures in the amount of $200,000 per year to perform annual fire inspections for all public schools and $149,000 per year to ensure all public school buildings meet the clean air standards. The Department based its estimates on conversations with the Department of Health and Human Services and the State Fire Marshall's Office. The costs include salary, benefits, administration and mileage.

The Departments of Safety and Administrative Services indicate they cannot estimate the fiscal impact of this bill.

None of the agencies indicated a cost to the local school districts for the cost of the inspections.

Amendments

Rep. Estabrook, Straf. 8
December 7, 2001
2001-2045h
04/10

Amendment to HB 329-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study indoor air quality and fire safety in public schools.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study indoor air quality and fire safety in public schools.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, two of whom shall be from the education committee and two of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Two members of the senate, one of whom shall be from the education committee and one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

(c) The director of the division of public health services, or designee.

(d) The commissioner of the department of education, or designee.

(e) The state fire marshall, or designee.

(f) A representative of the New Hampshire School Boards Association, appointed by the president of the New Hampshire School Boards Association.

(g) Two members of the public, appointed by the governor with the consent of the executive council.

II. Committee members shall serve without compensation except that legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The duties of the committee shall be to:

I. Determine the scope of the problems of poor indoor air quality and fire risks and hazards in public school buildings.

II. Examine the issues of poor indoor air quality and fire risks and hazards and report any conclusions relevant but not limited to:

(a) Previous studies and reports.

(b) The current role of the state and comparison of existing state requirements for public schools with those for state buildings and places of public assembly.

(c) Resources available to address the problems.

(d) Similar policies in other states.

(e) Options for expanding the state's role including enforcement, documentation, establishment of standards or guidelines, incentives for compliance, and regulatory authority.

III. Make recommendations, which may include legislation, on policy strategies for prevention and solutions to correct such problems.

4 Chairperson; Meetings. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

6 Effective Date. This act shall take effect upon its passage.

2001-2045h

AMENDED ANALYSIS

This bill establishes a committee to study indoor air quality and fire safety in public schools.

Committee Minutes

ESTABLISHMENT OF SUBCOMMITTEE

BILL NO. 329-FN2 DATE _____

Title

Composition of Subcommittee:

Chairman C. Jean

Members C. St Jean

Silva

Sullivan

Distribution: House Clerk

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB329-FN-L Date 2-7-01

Committee EDUCATION

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

Name	Address	Phone	Representing	(check one) Pro	Con
MARK Joyce			NH SAA		✓?
Dean Michener	Concord	228-2061	NHSBA		✓ → 28-A
Submitted pink card, but didn't speak:					
Mr. Dennis Murphy NEA-NH				X	

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 329-FN-L

BILL TITLE: relative to school safety

DATE: February 7, 2001

LOB ROOM: 207 **Time Public Hearing Called to Order:** 1:05 p.m.

Time Adjourned: 2:00 p.m.

(please circle if present)

Committee Members: Reps. Henderson, Ward, Dearborn, Flint, P. Davis, Alger, Cox, Sullivan, Rabideau, Carson, Colcord, Sova, Winter, Yeaton, Snyder, C. Jean, Estabrook, J. White, C. Clarke and Naro.

Bill Sponsors: Rep. Estabrook

TESTIMONY

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

*REP. IRIS ESTABROOK (Sponsor): I support this bill in concept. This bill merely requests local school boards to document all assessments of the safety of its building. She submitted written testimony.

REP. ALGER: Rep. Clay has a state building code bill.

REP. COX: Who assumes the liability?

REP. ESTABROOK: Presently, the local school district is responsible.

REP. JEAN: I would like more teeth in this issue because of sick air in some buildings.

CHAIRMAN WARREN HENDERSON: Schools should be subject to the Clean Air and Buildings Act. What are the penalties?

REP. ESTABROOK: Probably the ultimate closing of the building.

REP. BRIEN WARD: Have you checked this for 28-A?

CHAIRMAN HENDERSON: I wish more attention on this issue.

REP. RUSSELL COX: Why have the state Fire Marshall involved?

MR. DONALD BLISS (NH State Fire Marshall): I support this bill in concept. I would like to help the subcommittee. In the first section, on lines 5 and 6, this statement is too broad and I would like some more specifics. Line 10 goes from "shall or may" as to who the fire chief or state reps? What is

28A? If the state would enforce it, it would take three full time people. The state fire code has sufficient standards for fire protection. Any state aid requires fire code be reviewed by the state.

REP. WINTER: What about the Raymond school?

MR. BLISS: We will follow up with the Raymond school.

REP. COLCORD: There are no standards for naming a fire chief unless the community has set some?

REP. P. JUDITH SULLIVAN: Do you have a checklist?

MR. BLISS: Yes, however the checklist can narrow an inspection. I prefer having a qualified person looking.

DR. FILLIAN (Director of Program Support): No pink card. This is based on a study done last year where a number of schools said no.

REP. COX: Who should keep track?

DR. FILLIAN: The Fire Marshall.

Respectfully Submitted,

Rep. Bruce Dearborn, Clerk
Subcommittee: Reps. Cox, Jean, Sova and Sullivan

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Rep. Bruce Dearborn, Clerk
Subcommittee: Reps. Cox, Jean, Sova and Sullivan

Pink Cards – HB 329

IN SUPPORT:
Dennis Murphy, Concord, NH representing NEA-NH
Donald Bliss, representing the Dept. of Safety

Testimony

Testimony
HB 329-FN-Local
Representative Iris Estabrook
February 7, 2001

I became interested in the subject of this bill during my service this past year on the adequate education and education financing commission. In our discussion of building aid, we reviewed the recent Turner Group report to the state board of education on the condition of our public school facilities. I've provided a copy of the report for you.

This report notes serious safety concerns. Thirty nine percent of schools reported fresh inside air as a facility weakness. Thirty four percent cite building safety and security as a weakness and forty two percent report capacity issues.

What we currently have are many overcrowded facilities which do not have annual inspections to review emergency evacuation hazards. In addition, we have a significant number of students in classrooms with poor air quality.

In the state board of education's response to the Turner report, which I have also provided you, it stated: "Learning is dependent on having students and staff who are healthy and safe. The condition of the places where students learn matters. Our children spend most of their day in our schoolrooms. Clean air, enough room, safe settings all impact education". I couldn't agree more.

So I looked into what requirements might currently exist or what statutes might apply to the responsibility for a healthy and safe school environment. To my amazement, no requirements exist in statute. Within the department of ed's administrative rules, specifically within the Standards for School Approval, there does exist a section on school facilities, Ed 306.06, which you have before you. Please note that under section a) 1), it states: "Local school boards shall ensure that the facilities for each school provide the following: a clean, healthy and safe environment." In addition, under section b) "Each school board shall ensure that the facilities of each school meet all local, state, and federal fire, health and safety, and accessibility laws, rules, regulations, and requirements and maintain documentation of compliance."

That seemed quite reasonable until I discovered that, other than the federal requirements on asbestos, no such local, state or federal laws existed

on fire and health issues, hence there were absolutely no specific reporting or inspection requirements to document a healthy and safe environment.

I learned that public school facilities are not subject to annual safety inspections, although a majority of districts do voluntarily perform these inspections. In the remaining districts, facilities are inspected when built, and then not again unless or until a complaint is filed.

Statute does require places of public assembly housing more than one hundred persons to have twice yearly life safety code inspections. This peculiarity of the law means that a school's gymnasium may be required to be inspected, but not its overcrowded hallways. Life safety code inspections focus on detection and escape in case of a fire or other emergency. While our students may not be at imminent risk under the current situation, there certainly do exist hazards to their safety which would be detected through regular inspection. Existing code problems complicate emergencies, as in several school fires of the recent past -- most particularly at Kingswood in '96.

With regard to air quality, a problem commonly discussed as "sick buildings", there **are** sick schools in New Hampshire. Vallana Pratt Decker, environmental health specialist with DHHS estimates more than 100 schools have health issues related to air quality. The quality of the air in buildings has become a common source of health complaints.

The State has legislated the level of air quality it expects to be present in each building it rents or constructs under RSA 10-B, which HB 329 amends to include schools. The administrative rules, chapter He-P 1804, delineate the standards required under RSA 10-B. Specifically, on page 4 of the Chapter He-P 1800 "Hazardous Substances" rules provided for you, are the indoor air quality standards -- the title for this section is at the bottom of the previous page. The standards call for, among other things, twenty cubic feet per minute per person of fresh air to be used as a measure of ventilation. Pollutants which are of concern in meeting these standards include carbon monoxide and radon.

This bill simply calls for local school boards to document compliance with annual life safety code inspections and state air quality standards. It does not specifically delineate the financial responsibility for these. It does not for three reasons; in the first case, the level of health and safety provided for here could be considered a basic element of an adequate education; in the second case, these documentation requirements could be seen simply as making specific the existing local responsibility for a healthy and safe

environment AND consideration of additional state resources to address its role are also a piece of the puzzle.

You will hear more about that, I'm sure, from later testimony of the State Fire Marshal. The DHHS, Division of Public Health, Bureau of Health Risk Assessment staff who address indoor air quality issues are not here today but have expressed an interest in working with this committee on this bill.

My hope is that the committee will hold serious discussions on the substance of the issues raised by HB 329, with the onus of financial responsibility being a part of that discussion but not a roadblock to action. These issues are of such concern that they merit not only our serious consideration, but action. Let's find a way to address them.

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 329-FN-L

BILL TITLE: **relative to school safety**

DATE: March 14, 2001

LOB ROOM: 207

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Claudette Jean ***** RETAIN *****

Seconded by Rep. Warren Henderson

Vote: 16-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Bruce L. Dearborn, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 329-FN-L

BILL TITLE: **relative to school safety**

DATE: 3-14-01

LOB ROOM: 207

Amendments:

Sponsor: Rep. [signature] OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Retain In Committee Rep. Jean

Seconded by Rep. Henderson

Vote: 10-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: Ward White

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Bruce L. Dearborn, Clerk

EDUCATION

Bill #: 329-FN **Title:**

PH Date: ~~1~~ / / **Exec Session Date:** 3 / 14 / 1

Motion: Retain in Committee by Jean **Amendment #:**

MEMBER	YEAS	NAYS
Henderson, Warren C, Chairman	✓	
Ward, Brien L, Vice Chairman	✓	
Dearborn, Bruce L	✓	
Flint, Gordon B	—	
Davis, Perley E	—	
Alger, John R M	—	
Cox, Russell N	—	
Sullivan, P Judith	✓	
Rabideau, Marie N	✓	
Carson, Sharon M	✓	
Colcord, J D	✓	
Sova, Charles E	✓	
Winter, Steven J	✓	
Yeaton, Charles B	✓	
Snyder, Clair A	✓	
Jean, Claudette R	✓	
Estabrook, Iris W	✓	
White, John M	✓	
Clarke, Claire D	✓	
Naro, Debra A	✓	
	16-0	

TOTAL VOTE:
Printed: 12/21/2000

EXECUTIVE SESSION

COMMITTEE EDUCATION

BILL NUMBER HB 329 FN-L

BILL TITLE: Relative to School Safety

DATE: 12/11/01 **LOB ROOM:** 207

Amendments: Estabrook

Sponsor: Rep. HB329 2001-2045-1t OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

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

Moved by Rep. Estabrook

Seconded by Rep. Olyer

Vote: 14-1 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A), ITL, Re-Refer, Interim Study (Please circle one.) HB 329-FN-L

Moved by Rep. Estabrook

Seconded by Rep. Winters

Vote: 15-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0 adopted

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

Statement of Intent: Refer to Committee Report

Respectfully submitted, (1) (2) Olyer

Rep. _____, Clerk

OFFICE OF THE HOUSE CLERK

2001 SESSION

EDUCATION

Bill #: HB 339 FN Title: Amendment 2001-2045-H

PH Date: ___/___/___ Exec Session Date: 12/11/01

Motion: Ought to Pass - 2045-H Amendment #:

MEMBER	YEAS	NAYS
Henderson, Warren C, Chairman		
Ward, Brien L, V Chairman	✓	
Dearborn, Bruce L, Clerk		X
Flint, Gordon B		
Davis, Perley E		
Alger, John R M	✓	
Cox, Russell N	✓	
Sullivan, P Judith	✓	
Carson, Sharon M	✓	
Colcord, J D	✓	
Sova, Charles E	✓	
Winter, Steven J	✓	
L'Heureux, Stephen R		
Yeaton, Charles B		
Snyder, Clair A	✓	
Jean, Claudette R	✓	
Estabrook, Iris W	✓	
White, John M	✓	
Clarke, Claire D	✓	
Naro, Debra A	✓	
	14-1	

TOTAL VOTE:

Printed: 3/14/2001

OFFICE OF THE HOUSE CLERK

2001 SESSION

EDUCATION

Bill #: _____ Title: _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: NB 329 OTP/A Amendment #: _____

MEMBER	YEAS	NAYS
Henderson, Warren C, Chairman	X	
Ward, Brien L, V Chairman		
Dearborn, Bruce L, Clerk	X	
Flint, Gordon B		
Davis, Perley E		
Alger, John R M	X	
Cox, Russell N	X	
Sullivan, P Judith	X	
Carson, Sharon M	X	
Colcord, J D	X	
Sova, Charles E	X	
Winter, Steven J	X	
L'Heureux, Stephen R		
Yeaton, Charles B		
Snyder, Clair A	X	
Jean, Claudette R	X	
Estabrook, Iris W	X	
White, John M	X	
Clarke, Claire D	X	
Naro, Debra A	X	
	15 Yea	

TOTAL VOTE:

Printed: 3/14/2001

Committee Report

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 329-FN-L**

TITLE: relative to school safety

DATE: 3-14-01 CONSENT CALENDAR YES ☐ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

Vote 16-0

Rep. Claudette R. Jean
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

OK - WH

USE ANOTHER REPORT FOR MINORITY REPORT

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

HB329-FN

This bill requires periodic fire safety inspection of all public school buildings. At present local fire chiefs are authorized to inspect all public buildings to check for compliance with state fire prevention and life safety codes. ~~Yet the concern~~ The committee would like to further explore whether mandatory periodic inspections or other approaches to fire safety would improve compliance with existing law. Another area of concern which the committee would like to study is the problem of clean air in public school buildings.

COMMITTEE REPORT

COMMITTEE: **Education**

BILL NUMBER: **HB 329-FN-L**

TITLE: relative to school safety.

DATE: December 11, 2001 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

The original bill called for public school buildings to have annual fire inspections and to meet clean air standards. The committee has serious concerns regarding the underlying issues of existing fire safety risks and poor air quality in public school buildings. However, the committee feels these issues are complex and the options for legislative action far broader than the original proposal, making a study committee appropriate. The bill no longer has a fiscal note.

Vote 15-0.

Rep. Iris W. Estabrook
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Education

HB 329-FN-L, relative to school safety. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris W. Estabrook for Education: The original bill called for public school buildings to have annual fire inspections and to meet clean air standards. The committee has serious concerns regarding the underlying issues of existing fire safety risks and poor air quality in public school buildings. However, the committee feels these issues are complex and the options for legislative action far broader than the original proposal, making a study committee appropriate. The bill no longer has a fiscal note **Vote 15-0.**

COMMITTEE REPORT

COMMITTEE: EDUCATION

BILL NUMBER: HB 329

TITLE: Relative to school safety

DATE: 12/11/01 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)

The original bill called for public school buildings to have annual fire inspections and to meet clean air standards. The committee has serious concerns regarding the underlying issues of existing fire safety risks and poor air quality in public school buildings. However, the committee feels these issues are complex and the options for legislative action far broader than the original proposal, making a study committee appropriate. The bill no longer has a fiscal note.

Vote 15-0.

Rep. Ann Eastabrook
FOR THE COMMITTEE

COR

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT