

Amendment to SB 55

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

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3 AN ACT relative to the servicing of backflow devices and arrest powers of fire marshals.

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

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7 1 Backflow Device Requirements. Amend RSA 485:11 to read as follows:

8 485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements.

9 There shall be a backflow prevention device installed at every connection to a public water system if
10 the facility connected may pose a hazard to the quality of water supplied by the public water system
11 as determined by the department. Where applicable, the facility receiving water from a public
12 water supply shall be responsible for having such drinking water distribution system protective
13 backflow prevention devices inspected and tested by individuals certified by a third party who has
14 been approved by the department to conduct backflow device inspection and testing certification.
15 The facility shall also have backflow devices installed, maintained, repaired, and replaced by
16 individuals qualified by either a plumbers license or by certification by the department under RSA
17 332-E:3, III proving competency in distribution system operation. The activities to be conducted by
18 *individuals* qualified ~~[individuals]~~ **by certification by the department** shall be specifically
19 limited to: **(a)** the inspection and testing, maintenance, repair, ~~[or]~~ replacement, **removal**, and
20 installation of the water meters, meter horns, backflow preventers, and assembly devices directly
21 adjacent to and required as part of the protection for the drinking water distribution system; **and**
22 **(b) the testing, maintenance, repair, replacement, or removal of such devices which are**
23 **not directly adjacent to the drinking water distribution system.** Testing of drinking water
24 distribution system protective backflow prevention devices, where applicable, shall occur after
25 installation or repair to ensure that new and repaired devices are working properly. There shall be
26 a backflow prevention device installed at every connection to a public water system if the facility
27 connected may pose a hazard to the quality of water supplied by the public water system as
28 determined by the department of environmental services. The facility receiving water from a public
29 water supply shall be responsible for having such backflow prevention devices installed, serviced,
30 and tested by individuals qualified by license or certification to perform these activities. Testing of
31 backflow devices shall occur twice annually unless the public water supplier determines the facility
32 poses a low hazard, in which case testing shall be performed on an annual basis. The facility

Amendment to SB 55

- Page 2 -

receiving water from a public water supplier is responsible for ensuring that the backflow prevention ~~[device is]~~ **devices are** working properly to prevent backflow into the public water system. Testing shall also occur twice annually for any high hazard devices and facilities. When the public water supplier determines that the facility poses a low hazard, testing shall occur annually. A residential property containing a non-testable device shall not be considered a hazard facility and shall not require annual testing. A residential property may be considered a high hazard facility if it has an irrigation system, private well connection, or other feature that may cause a public health risk. If an outside irrigation system is the sole reason a residential property is considered a hazard to the public water supply distribution system, such irrigation system shall be tested annually during the period when the irrigation system is operated. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention ~~[device is]~~ **devices are** working properly to prevent backflow into the public water system.

2 Exceptions; License Requirements. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment plants and distribution systems, when performing plumbing tasks within their certifications, as defined in RSA 485:11 and RSA 332-E:3. This exception is specifically limited to the testing, maintenance, repair, ~~[or]~~ replacement, **removal**, and installation of the water meter, meter horn, and backflow prevention devices directly adjacent to and required as part of the protection of the drinking water distribution system **and the testing, maintenance, repair, or replacement of such devices which are not directly adjacent to the drinking water distribution system.**

3 Duties of Commissioner. Amend RSA 21-P:4, V to read as follows:

V. Have discretion to grant to the state fire marshal and any deputy fire marshal or fire investigator within the division of public safety the authority ~~[to detain and make arrests as a peace officer pursuant to RSA 594,]~~ to serve criminal processes, to enforce the rules adopted under RSA 153:4-a and RSA 153:5, and to enforce RSA 154:7-a in order to promote the efficient discharge of such persons' lawful duties. Except for fire investigators under RSA 154:7-a, the commissioner shall assure in granting the authority provided in this paragraph that any person so designated has received appropriate law enforcement training through a program approved by the police standards and training council. Whenever persons ~~[authorized as peace officers]~~ under this paragraph are involved in the investigation of felonies or cases involving death due to fires, ~~[or whenever an arrest is to be made,]~~ such persons shall as soon as practicable notify a law enforcement agency having jurisdiction in the geographical area where the ~~[arrest or]~~ investigation is to take place.

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

Amendment to SB 55
- Page 3 -

2017-2550s

AMENDED ANALYSIS

This bill allows individuals certified by the department of environmental services to do so, to perform services on backflow devices that are not directly adjacent to a drinking water distribution system.

This bill also removes the power to detain and arrest from fire marshals.