

# Committee Report

**CONSENT CALENDAR**

**April 11, 2018**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Executive Departments and Administration to which was referred SB 455,**

**AN ACT relative to state employees injured in the line of duty. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Kristina Schultz**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	SB 455
Title:	relative to state employees injured in the line of duty.
Date:	April 11, 2018
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This legislation closes an accidental loophole allowing a violation of privacy. This loophole was discovered when a nurse working at the NH State Hospital was injured by a patient. One morning she woke up to find the details of her injury, her home address and other personal details in the newspaper. Because the compensation for her injury was required to be reviewed and approved by the New Hampshire Executive Council and Governor, these details were on the agenda for the meeting when the compensation was reviewed and approved. This bill will limit the information listed on the agenda and the information given to the public to protect the privacy of injured workers.

Vote 9-2.

Rep. Kristina Schultz  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Executive Departments and Administration

**SB 455**, relative to state employees injured in the line of duty. **OUGHT TO PASS.**

Rep. Kristina Schultz for Executive Departments and Administration. This legislation closes an accidental loophole allowing a violation of privacy. This loophole was discovered when a nurse working at the NH State Hospital was injured by a patient. One morning she woke up to find the details of her injury, her home address and other personal details in the newspaper. Because the compensation for her injury was required to be reviewed and approved by the New Hampshire Executive Council and Governor, these details were on the agenda for the meeting when the compensation was reviewed and approved. This bill will limit the information listed on the agenda and the information given to the public to protect the privacy of injured workers. **Vote 9-2.**

Original: House Clerk

Cc: Committee Bill File

**Simmons, Miriam**

---

*Miriam  
Blurb*

**From:** Carol McGuire <mcguire4house@gmail.com>  
**Sent:** Wednesday, April 11, 2018 12:35 PM  
**To:** Kris Schultz; Simmons, Miriam  
**Subject:** Re: blurb SB 455

**Categories:** Green Category

Good

On Wed, Apr 11, 2018 at 11:39 AM Kris Schultz <krisindc@gmail.com> wrote:  
SB 455

This legislation closes an accidental loophole allowing a violation of privacy. This loophole was discovered when a nurse working at NH State Hospital was injured by a patient. One morning she woke up to find the details of her injury, her home address and other personal details in the newspaper. Because The compensation for her injury was required to be reviewed and approved by the New Hampshire Executive Council and Governor, these details were on the agenda for the meeting when the compensation was reviewed and approved. This bill will limit the information listed on the agenda and the information given to the public to protect the privacy of injured workers.

--  
Carol

# Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 455

**BILL TITLE:** relative to state employees injured in the line of duty.

**DATE:** April 4, 2018

**LOB ROOM:** 306

**MOTIONS:** OUGHT TO PASS

Moved by Rep. Schultz

Seconded by Rep. Proulx

Vote: 9-2

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,



Rep John Sytek, Acting Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 455

BILL TITLE: relative to state employees injured in the line of duty.

DATE: 4/4/18

LOB ROOM: 306

MOTION: (Please check one box)

OTP       ITL       Retain (1st year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. Schultz      Seconded by Rep. Prady      Vote: 9-2

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1st year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1st year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1st year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES       NO

Minority Report? \_\_\_\_\_ Yes      \_\_\_\_\_ No      If yes, author, Rep: \_\_\_\_\_      Motion \_\_\_\_\_

Respectfully submitted: \_\_\_\_\_  
Rep. Jacalyn Cilley, Clerk

*for Green leaf sheet by Sytek*





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/5/2018 10:28:37 AM  
Roll Call Committee Registers  
Report

2018 SESSION

SB455 relative to state employees injured in the line  
of duty.

ED&A

Bill #: SB 455

Title: \_\_\_\_\_

PH Date: 1/1/18

Exec Session Date: 4/4/18

Motion: OTP

Amendment #: \_\_\_\_\_

MEMBER

YEAS

NAYS

<u>MEMBER</u>	<u>YEAS</u>	<u>NAYS</u>
McGuire, Carol M. Chariman	X	
Sytek, John Vice Chairman	X	
Hansen, Peter T.		X
Beaudoin, Steven P.		X
Proulx, Mark L.	X	
Hoell, J.R.		
Kaczynski, Thomas L.		
Woitkun, Steven J.		
Brewster, Michael A.		
Marsh, Henry A.		
Smith, Ryan D.		
Gagnon, Raymond G.		
Schmidt, Peter B.	X	
Jeudy, Jean L.		
Sullivan, Daniel J.	X	
Goley, Jeffrey P.	X	
Cilley, Jacalyn L. Clerk		
Roberts, Carol R.	X	
Schuett, Dianne E.	X	
Schultz, Kristina	X	
TOTAL VOTE:		

9-2

# Hearing Minutes



HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 455

BILL TITLE: relative to state employees injured in the line of duty.

DATE: 4/4/18

ROOM: 306

Time Public Hearing Called to Order: 2:00

Time Adjourned: 2:15

(please circle if present)

Committee Members: Reps. McGuire, Sytek, Cilley, Hansen, Beaudoin, Proulx, Hoell, Kaczynski, Woitkun, Brewster, H. Marsh, R. Smith, Gagnon, P. Schmidt, Jeudy, D. Sullivan, Goley, Roberts, Schuett and Schultz

Bill Sponsors:

Sen. Gray

Sen. Bradley

Subst. take Rep. CLEAR

TESTIMONY / MINUTES

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

\* Sen Gray introduced at request of Dept HHS and a constituent A nurse injured at state hospital now details printed in MVL. It was not intent of 91-A to reveal this and this bill removes ambiguity.

submitted copies 91A

John Williams and Raymond Perry of HHS said that this was done in collaboration with A/G office. Also said/reiterated that these details were never intended to be revealed in a workman's comp issue.

This did not preclude names being published if a criminal interest were involved.

John Sytek  
acting Clerk



# Testimony

# TITLE VI

## PUBLIC OFFICERS AND EMPLOYEES

### CHAPTER 91-A

#### ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

##### Section 91-A:5

###### **91-A:5 Exemptions. –**

The following governmental records are exempted from the provisions of this chapter:

IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a public body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.

**Source.** 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1. 2002, 222:4. 2004, 147:5; 246:3, 4. 2008, 303:4, eff. July 1, 2008. 2013, 261:9, eff. July 1, 2013. 2016, 322:3, eff. Jan. 1, 2017.

Bill as  
Introduced



SB 455 - AS INTRODUCED

2018 SESSION

18-2960  
04/05

SENATE BILL

**455**

AN ACT relative to state employees injured in the line of duty.

SPONSORS: Sen. Gray, Dist 6; Sen. Bradley, Dist 3

COMMITTEE: Executive Departments and Administration

---

ANALYSIS

This bill exempts from public disclosure the details of an injury sustained by a state employee in the line of duty.

-----

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 Eighteen*

AN ACT relative to state employees injured in the line of duty.

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

1       1 Compensation for State Employees Injured in Line of Duty. Amend RSA 21-I:43-a to read as  
2 follows:

3       21-I:43-a Compensation for State Employees Injured in Line of Duty. Any injury received by  
4 any state employee who is injured in the line of duty by a hostile act, or by an act caused by another  
5 during the performance of duties which are considered dangerous in nature, that requires the  
6 employee to be hospitalized or renders the employee temporarily unable to perform the duties of his  
7 or her position shall not be charged against annual leave or sick leave for the time lost due to the  
8 injury. During such time, the employee shall remain on the active payroll. In this event, no  
9 employee shall be terminated from state service until he or she has applied for disability retirement  
10 and a final decision on the application is made by the board of trustees of the New Hampshire  
11 retirement system and appeals of such decision, if any, are finalized; provided, that the employee  
12 shall make such application within 18 months of the injury contemplated by this section. The  
13 executive head of the employee's agency shall make the determination as to whether an injury is in  
14 the line of duty and due to a hostile or overt act, or an act caused by another during the  
15 performance of duties which are considered dangerous in nature, and, after approval by the  
16 governor and council, the determination shall be final. *The employee's name and details of the*  
17 *injury shall be exempt from public disclosure pursuant to RSA 91-A:5, IV.* During the time  
18 in which the injured employee remains on active payroll at full base salary pursuant to this section,  
19 his or her state compensation shall not be offset by state workers' compensation payments and he or  
20 she shall not receive state workers' compensation payments to supplement his or her full base  
21 salary. Nothing in this section shall prohibit medical payments or final settlements.

22       2 Effective Date. This act shall take effect upon its passage.