

REGULAR CALENDAR

October 25, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Labor, Industrial and Rehabilitative
Services to which was referred SB 377-FN,**

**AN ACT (New Title) relative to the eligibility of certain
injuries of state troopers for workers' compensation.**

Having considered the same, report the same:

RECOMMENDED FOR FUTURE LEGISLATION.

Rep. Joshua Adjutant

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	SB 377-FN
Title:	(New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.
Date:	October 25, 2022
Consent Calendar:	REGULAR
Recommendation:	RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

This bill was introduced with the title "relative to the diagnosis of post-traumatic stress disorder in state troopers." The Senate amended the bill to in its entirety for the eligibility of certain injuries or state troopers for workers' compensation coverage. An example given was a state trooper on their way to work comes across an accident scene or is the closest law enforcement to an emergency call and responds while technically off duty and is injured. Another example was an off-duty state trooper on the way to training who is injured in their cruiser in a vehicle accident. The committee felt changes needed to be made to the law allowing for coverage in these circumstances. The committee wanted the bill to better define the scope under what circumstances that the employee would be covered. The committee also felt other state employees such as Fish and Game officers, County Sheriff's officers and others should also be included. There was an attempt to amend the bill to encompass much of this but there was not consensus prior to the bill deadline. The Labor, Industrial and Rehabilitative Services Committee unanimously agreed that this bill should be Recommended for Future Legislation.

Vote 12-0.

Rep. Joshua Adjutant
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

SB 377-FN, (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation. RECOMMENDED FOR FUTURE LEGISLATION .

Rep. Joshua Adjutant for Labor, Industrial and Rehabilitative Services. This bill was introduced with the title "relative to the diagnosis of post-traumatic stress disorder in state troopers." The Senate amended the bill to in its entirety for the eligibility of certain injuries or state troopers for workers' compensation coverage. An example given was a state trooper on their way to work comes across an accident scene or is the closest law enforcement to an emergency call and responds while technically off duty and is injured. Another example was an off-duty state trooper on the way to training who is injured in their cruiser in a vehicle accident. The committee felt changes needed to be made to the law allowing for coverage in these circumstances. The committee wanted the bill to better define the scope under what circumstances that the employee would be covered. The committee also felt other state employees such as Fish and Game officers, County Sheriff's officers and others should also be included. There was an attempt to amend the bill to encompass much of this but there was not consensus prior to the bill deadline. The Labor, Industrial and Rehabilitative Services Committee unanimously agreed that this bill should be Recommended for Future Legislation. **Vote 12-0.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

April 25, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred SB 377-FN,

AN ACT (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Lino Avellani

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	SB 377-FN
Title:	(New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.
Date:	April 25, 2022
Consent Calendar:	REGULAR
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill tries to expand the definition of workers' compensation for state police, in certain circumstances. The majority believes it needs further clarification and possibly to be expanded to cover other segments of NH law enforcement.

Vote 12-9.

Rep. Lino Avellani
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

SB 377-FN, (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.** Rep. Lino Avellani for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill tries to expand the definition of workers' compensation for state police, in certain circumstances. The majority believes it needs further clarification and possibly to be expanded to cover other segments of NH law enforcement. **Vote 12-9.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

April 25, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Labor, Industrial and Rehabilitative Services to which was referred SB 377-FN,

AN ACT (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. Brian Sullivan

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Labor, Industrial and Rehabilitative Services
Bill Number:	SB 377-FN
Title:	(New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.
Date:	April 25, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill is intended to provide prima facia qualifications for NH State Troopers who are injured while driving a state police cruiser while in uniform. The committee received testimony that a trooper who is en route to an extra duty detail such as a road construction site is not deemed to be on duty until the trooper arrives at the duty site. The minority feels that this is an issue worth addressing immediately. The majority suggested that other law enforcement personnel may also benefit from this treatment, but not having any indication that it is necessary, Interim Study was suggested to find out if an expanded provision might be appropriate. The minority feels that expansion might be accomplished through new legislation in the next session.

Rep. Brian Sullivan
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Labor, Industrial and Rehabilitative Services

SB 377-FN, (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation. **OUGHT TO PASS.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill is intended to provide prima facia qualifications for NH State Troopers who are injured while driving a state police cruiser while in uniform. The committee received testimony that a trooper who is en route to an extra duty detail such as a road construction site is not deemed to be on duty until the trooper arrives at the duty site. The minority feels that this is an issue worth addressing immediately. The majority suggested that other law enforcement personnel may also benefit from this treatment, but not having any indication that it is necessary, Interim Study was suggested to find out if an expanded provision might be appropriate. The minority feels that expansion might be accomplished through new legislation in the next session.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 377-FN

BILL TITLE: (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.

DATE: October 13, 2022

LOB ROOM: 305 - 307

MOTION:

Interim Study (2nd yr) Recommended for Future Legislation

Moved by Rep. Adjutant

Seconded by Rep. Sullivan

Vote: 12-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jonathan Mackie, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 377-FN

BILL TITLE: (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.

DATE: 10/13/22

LOB ROOM: 305 - 307

MOTION: Recommended for Future Legislation
 Not Recommended for Future Legislation

Moved by Rep. adjutant Seconded by Rep. Sullivan Vote: 12-0

Respectfully submitted,

Rep. _____
Committee Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

9/28/2022 11:09:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: 377-FN Motion: Future Legislation AM #: _____ Exec Session Date: 10/13/22

Members	YEAS	Nays	NV
Infantine, William J. Chairman	✓		
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Callum, John M.			✓
Mackie, Jonathan D. Clerk			✓
Love, David C.			✓
Warden, Mark			✓
Turcotte, Leonard P.			✓
Prout, Andrew J.	✓		
Boyd, Stephen E.			✓
Hough, Gregg			✓
Sullivan, Brian M.	✓		
Soucy, Timothy A.	✓		
Baroody, Benjamin C.	✓		
Cahill, Michael D.			✓
DiSilvestro, Linda A.	✓		
Schmidt, Janice E.			✓
Toomey, Dan	✓		
Bouchard, Donald J.	✓		
Adjutant, Joshua	✓		
Maneval, Andrew	✓		
TOTAL VOTE:	12	0	



**STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK**

9/28/2022 11:09:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Bill #: _____ **Motion:** _____ **AM #:** _____ **Exec Session Date:** _____

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 377-FN

BILL TITLE: (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.

DATE: April 20, 2022

LOB ROOM: 301 - 303

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. Avellani

Seconded by Rep. Turcotte

Vote: 12-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jonathan Mackie, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB 377-FN

BILL TITLE: (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.

DATE: 4/20

LOB ROOM: ~~307~~ 301-303

MOTION: (Please check one box)

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

Moved by Rep. Avellan Seconded by Rep. Turcotte Vote: 12-9

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 X NO

Minority Report? X Yes ___ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: 
Rep Jonathan Mackie, Clerk



2022 SESSION

Labor, Industrial and Rehabilitative Services

Bill #: SB 377-FN Motion: Interim Study AM #: _____ Exec Session Date: 4/20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Infantine, William J. Chairman	✓		
Seaworth, Brian Vice Chairman	✓		
Avellani, Lino M.	✓		
Callum, John M.	✓		
Mackie, Jonathan D. Clerk	✓		
Love, David C.	✓		
Warden, Mark	✓		
Turcotte, Leonard P.	✓		
Prout, Andrew J.	✓		
Boyd, Stephen E.	✓		
Hough, Gregg <u>Member</u>	✓		
Sullivan, Brian M.		✓	
Soucy, Timothy A.		✓	
Baroody, Benjamin C.		✓	
Cahill, Michael D.		✓	
DiSilvestro, Linda A.	✓		
Schmidt, Janice E.		✓	
Toomey, Dan		✓	
Bouchard, Donald J.		✓	
Adjutant, Joshua		✓	
Maneval, Andrew <u>Always</u>		✓	

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON SB 377-FN

BILL TITLE: (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation.

DATE: April 14, 2022

LOB ROOM: 305 - 307 **Time Public Hearing Called to Order:** 10:39 a.m.

Time Adjourned: 10:56 a.m.

Committee Members: Reps. Infantine, Seaworth, Mackie, Avellani, Warden, Prout, S. Boyd, Hough, Sullivan, Soucy, Baroody, Cahill, DiSilvestro, J. Schmidt, Toomey, Bouchard, Adjutant and Maneval

Bill Sponsors:

Sen. Carson
Sen. Cavanaugh

Sen. Bradley
Sen. Prentiss

Sen. Birdsell
Rep. MacKay

TESTIMONY

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

Chantell Wheeler introduced the bill on behalf of Sen. Carson. Currently workers comp does not cover the troopers while they are travelling to or from work even though they are in a state car and in uniform.

Rep. Warden: If a trooper was on his way home from work, stopped for dinner and a drink then got in an accident would they be covered?

Ms. Wheeler: Can't answer that.

Brian Ross of the NH Trooper Association testified in support of the bill. Our policies would forbid us from stopping at a restaurant and having a drink while in uniform on our way home from work. Often times while travelling to extra duty details we end up answering calls because we are closest to a scene. I am not aware of a case where any officer was not covered, but this would prevent that possibility.

Rep. Maneval: Might an officer not be in uniform while in a vehicle?

Brian Ross: Yes. Plainclothes detective

Rep. Maneval. Reading the bill it is not clear if a non-uniformed officer would be covered?

Brian Ross: They would be, because plainclothes is their uniform.

Rep. Avellani: When does duty begin?

Brian Ross: Regular duty would begin when they leave their house. Extra duty would be when they arrive at the location of the detail.

Rep. Avellani: Going to a funeral in uniform and car, would that be covered?

Brian Ross: Yes.

Rep. Avellani: How is this handled by sheriffs and local departments?

Brian Ross: Not known.

Rep. Seaworth: If called while on a detail are you covered?

Brian Ross: Yes.

Rep. Warden: Can troopers take a spouse or child in their car?

Brian Ross: Only with specific permission.

Rep. Avellani: Would you think this would cause any problem with other law enforcement?

Brian Ross: Probably not.

Respectfully submitted,

Rep. Jonathan Mackie

Clerk

SB 377-FN - AS AMENDED BY THE SENATE

02/24/2022 0670s

2022 SESSION

22-3032
08/04

SENATE BILL **377-FN**

AN ACT relative to the eligibility of certain injuries of state troopers for workers' compensation.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. MacKay, Merr. 14

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill creates a prima facie presumption that an injury that occurs while a state trooper is operating a state police vehicle in the performance of the trooper's official duties is occupationally caused.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the eligibility of certain injuries of state troopers for workers' compensation.

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

1 1 New Section; State Troopers; Eligibility for Workers Compensation. Amend RSA 281-A by
2 inserting after section 17-d the following new section:

3 281-A:17-e State Troopers; Eligibility for Workers Compensation. Notwithstanding RSA 281-
4 A:2, there shall be a prima facie presumption that any injury sustained by a trooper operating a
5 state police vehicle while wearing the uniform of the day is occupationally caused.

6 2 Effective Date. This act shall take effect upon its passage.

**SB 377-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to the diagnosis of post-traumatic stress disorder in state troopers.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill expands the presumption of acute stress disorder and post-traumatic stress disorder for state troopers while operating a vehicle in their official duties. It is assumed that the intent of the added language is to either broaden or clarify the existing presumption. To the extent this bill is intended to broaden the presumptive language already in place, it is possible that there could be an indeterminable increase to workers' compensation for the state as an employer.

AGENCIES CONTACTED:

Department of Safety and Department of Labor