

Senate Commerce Committee

Angela Leach 271-3077

SB 190-FN, repealing the sunset provision on the first responder's critical injury benefit fund.

Hearing Date: February 21, 2017

Members of the Committee Present: Senators Innis, French, Sanborn, Soucy and Lasky

Members of the Committee Absent : None

Bill Analysis: This bill repeals the prospective repeal of the first responder's critical injury benefit.

Sponsors:

Sen. Soucy

Rep. White

Rep. Doucette

Who supports the bill: Sponsors, Bob Blaisdell- NH Police Association, Bill McQuillen- Professional Firefighter of NH, Max Schutz- Department of Safety

Who opposes the bill: None

Summary of testimony presented:

Senator Sanborn stated he may or may not have a conflict but will be participating.

Senator Soucy (PRIME)- Established the first responders critical injury fund in 2014 which was when a group II first responder is injured in the line of duty and their injuries are outside of the scope of the workers comp statute they should have the opportunity to petition the governor and council for some type of monetary payment as a result of their injuries. That was created because of the circumstances surrounding a police officer from Manchester, Dan Doherty. He was shot multiple times and did survive his injuries, but to this day suffers as a result of his injuries. I would hope he was the only person that would have to take advantage of this process. To the extent that one of our public servants finds themselves in this circumstance, the fund should exist. Not an actual pot of money sitting in our budget, they are funds that are otherwise undesignated. Offered an amendment, error in drafting, currently the fund is up to \$125,000 per claimant but the total amount that could be awarded is \$500,000. If we removed the sunset date, it would be \$500,000 in perpetuity. Our thinking, it should be each budget cycle.

Senator French- how many payments have they given.

Senator Soucy- To my knowledge only one, but there might be another petitioner.

Bob Blaisdell- NH Police Association (Support)- very emotional and near and dear to my heart. At the time, the compromise and to be able to get the statute on the books, we had to put a sunset date on the legislation. My focus was to give Officer Doherty the opportunity to state his case. Need to start thinking about the "what ifs". The goal is to never utilize this. In the event we have to exercise this statute, makes sense to remove the repeal of July 1, 2018.

Bill McQuillen- President Elect of the Professional Firefighters of NH- supportive of the amendment. This fund is for those injuries for first responder's body parts that are not otherwise covered by the impairment statute under RSA 281-A:32. In many instances firefighters and police officers receive injuries that will profoundly affect their quality of life and their ability to work. This statute closes a loop hole in the workers comp system. Should not matter whether an injury is to a limb

or an internal organ.

Senator French- There aren't any insurance policies out there that cover these injuries.

Bill McQuillen This specifically references RSA 281:32 and there is a section that deals with specific body parts for impairment ratings for loss of function. Medical science is getting better, people are sustaining injuries that they weren't able to survive from and this looks to address that specifically for internal organs.

Senator French- how much does the claimant receive.

Bill McQuillen-As I understand it is capped at \$125,000, \$5000 per incident per claimant. As to the formula I don't have the specifics on that.

Senator Soucy- I believe that the petitioner payment would be established based on medical determination. In the case of Officer Doherty that determination was made and then the Governor and Council would have discretion.

Bill McQuillen- And I believe it goes to the labor commissioner to move forward to the Governor and Council.

Future Action: Pending

AJL

Date Hearing Report completed: February 23, 2017