

## John Powers

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**From:** Patch, Douglas L. <DPatch@orr-reno.com>  
**Sent:** Friday, January 29, 2016 9:25 AM  
**To:** John Powers; Brent Lemire, NHAFC Secretary; Shawn Murray; Bill Degnan; BrianR; Charles Roffo; Chief David Parenti; Corey Landry; Patch, Douglas L.; Frank Fraitzl; Jay Lyon; Jeff Libbey; Jeffrey Emanuelson; John McArdle; LFDChief; Michael Currier; Norm Skantze; Paul Parisi; Robert Buxton; Steve Carrier  
**Cc:** Cole, Ellen A.  
**Subject:** Hearings Next Week

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Here are hearings scheduled for next week on bills of interest in the House and Senate and committee reports on bills of interest coming to the floor of the Senate next week. Let me know if you have any questions.

### **TUESDAY, FEBRUARY 2**

#### **HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

10:15 a.m. **HB 1282**, relative to the state building code.

#### **HOUSE LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

10:00 a.m. **HB 1108**, relative to inquiries by employers into the criminal history of applicants for employment.

11:00 a.m. **HB 1535-FN**, relative to liability for payment of criminal record background checks and drug tests.

### **WEDNESDAY, FEBRUARY 3**

#### **HOUSE CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

10:00 a.m. **HB 1600-FN**, prohibiting the possession of a flame thrower.

#### **HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

10:00 a.m. Executive session on a number of bills, including **HB 1699-FN-A-L**, establishing a licensed alcohol and drug counselor in the bureau of emergency medical services

to develop a training program for fire and emergency medical services personnel and making an appropriation therefor.

#### **SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB**

Sen. Carson (C), Sen. Reagan (VC), Sen. Cataldo, Sen. Soucy, Sen. Woodburn

9:45 a.m. **SB 446**, relative to requirements of the state building code.

10:15 a.m. **SB 396**, relative to compatibility of electrical devices with the National Electric Code and the state building code.

#### **EXECUTIVE SESSION MAY FOLLOW**

### **THE SENATE WILL MEET IN SESSION ON THURSDAY, FEBRUARY 4, 2016 AT 10:00 A.M.**

## **CONSENT CALENDAR REPORTS**

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 319-FN**, relative to survivor benefits for families of police officers and firefighters killed in the line of duty.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

This legislation, as amended, adds definitions of adult child and child for purposes of determining survivor benefits for families of police officers and firefighters killed in the line of duty. It also changes the determination period from 30 days to 180 days.

#### **Amendment to SB 319-FN**

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

1 Survivor Benefits. Amend RSA 21-I:29-a, I to read as follows:

I. In this section:

(a) **“Adult child” means a child, whether by blood or adoption, of the police officer or firefighter, age 18 or older at the time of death of such police officer or firefighter and who does not meet the definition of a dependent child.**

(b) **“Dependent child” means a child, whether by blood or adoption, of the police officer or firefighter who:**

**(1) Is under the age of 25 and was dependent on the earnings of the police officer or firefighter at the time of death. For the purposes of this subparagraph, a child is not considered**

**dependent if the child provides more than half of his or her own support, is married, or is legally adopted by another; or**

**(2) Is any age and is physically or mentally incapacitated and was dependent on the earnings of the police officer or firefighter at the time of death.**

(c) **“Family” means the surviving spouse of the police officer or firefighter who was wholly or partially dependent, in fact, upon the earnings of the police officer or firefighter; or, if there is no surviving spouse, the surviving dependent child or dependent children, of such police officer or firefighter or, if there is no surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or if there is no surviving adult child or adult children, the surviving parent or parents of such police officer or firefighter. [A surviving dependent child shall include a dependent step-child whose expenses of daily living were substantially paid for by the decedent at the time of the death.]**

[(b)] (d) **“Firefighter” means any firefighter, including auxiliary, intermittent, special, part-time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or precinct within the state of New Hampshire, any firefighter employed by the state of New Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation which is the primary provider of fire protection for all or part of a New Hampshire municipality.**

[(c)] (e) **“Killed in the line of duty” means a death of a police officer or firefighter while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. “Incident” shall include any death that is determined to be occupationally related by the worker’s compensation insurance carrier, a self-insured worker’s compensation plan, or by the labor commissioner for workers’ compensation purposes pursuant to RSA 281-A.**

[(d)] (f) **“Police officer” means any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire, police officers employed by the university system of New Hampshire, and any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.**

2 Survivor Benefits. Amend RSA 21-I:29-a, II and the introductory paragraph of 21-I:29-a, III to read as follows:

II. In addition to any other benefits provided under this chapter, the state treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. Payment to a dependent child **under the age of 18** shall be made to the child’s trustee for the benefit of the child. The governor, with the consent of the executive council, is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The commissioner of safety, upon notice from the family or chief of department of any firefighter or police officer who may be entitled to a line-of-duty death benefit or upon the commissioner’s own initiative, shall obtain the available records related to the circumstances, cause, and manner of such death and the decedent’s status as a firefighter or police officer, may cause further inquiry to be made, and shall make a determination of whether the death qualifies as a line-of-duty death and who is entitled to the death benefit. The determination shall be made within [30] **180** days of the determination of the cause and manner of death by the office of the chief medical examiner, or within [30] **180** days from the date the commissioner received notice from the family or chief of department of the firefighter or police officer, whichever is later. For deaths that are not reviewed by the office of the chief medical examiner, the determination shall be made within [30] **180** days of a determination that the decedent qualifies for a workers’ compensation death benefit by a worker’s compensation carrier, self-insured worker’s compensation plan, or the labor commissioner pursuant to RSA 281-A, or within [30] **180** days from the date the commissioner received notice from the family or chief of department of the firefighter or police officer, whichever is later.

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

2016-0211s

#### AMENDED ANALYSIS

This bill adds definitions of “adult child” and “dependent child” for purposes of determining survivor benefits for families of police officers and firefighters killed in the line of duty. The bill also increases the time periods for determining whether a death benefit is awarded.

## REGULAR CALENDAR REPORTS

**FINANCE**

**SB 129-FN**, allowing retired members of the retirement system to change an optional allowance election in certain circumstances. Ought to Pass, Vote 5-1. Senator Reagan for the committee.

**Douglas L. Patch**

*Admitted in NH and MA*



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