Issues Update:
In April the Senate got to work on its version of the state budget; public hearings are anticipated mid-May.
This month the Senate started its work on bills passed by the House, and vice-versa.

Gainful Employment SB 99
One of the bills of note that passed the Senate and now the House on May 2nd is SB 99, which seeks to edit the definition of “gainful employment” for workers compensation. From the perspective of New Hampshire’s business community, the most objectionable part of the bill would remove the time limit of 262 weeks for partial disability. Opponents state that making partial disability permanent would mean fewer create a disincentive of returning to work or coming to a settlement.

The House amended the bill to remove the sections of the relative to partial disability but left intact a significant change to the definition of “gainful employment”. Currently the definition states “gainful employment is “employment which reasonably conforms with the employee's age, education, training, temperament and mental and physical capacity to adapt to other forms of similarly remunerative labor than that to which the employee was accustomed.” The bill adds the phrase “similarly remunerative”. Opponents point out that two N.H. Supreme Court decisions would be in conflict with the new law, and passage of this change eliminates the “diminished earning capacity” concept from the workers compensation process, increasing length of disability because a worker only must return to work when the wages are similar, discouraging a return to work rather than encouraging a return to work as the system should.

State Fire Codes SB 49
The House Executive Departments & Administration Committee has unanimously recommended that SB 49, relative to the state fire code, should pass with an amendment. The Chair of the Committee, Rep. Jeff Goley, a Manchester firefighter, wrote that committee report, which states: “This bill as amended will adopt the 2015 edition of the National Fire Protection Association Fire Code, otherwise known as NFPA 1 as the New Hampshire Fire Code. It would also provide for an 18 month phase-in period for the “floor protection” of light-weight wood frame constructed floors in section 20. This phase-in period was agreed to with all major stakeholders. The current state fire code is the 2009 edition. Testimony to the committee revealed that the ten year old code is causing insurance rates to rise; there was also testimony that the newer code was more flexible in some areas and offered options not allowed in the older code.”

The ED&A Committee, however, decided that HB 247, Relative to The Definition Of The State Building Code, needed more work and voted to “Retain” the bill, meaning the deadlines are extended, allowing the committee to continue to work with a new report deadline of early November. Most of the work on this is anticipated in September and November. Would updates the definition of the state building code to include the 2015 editions of the International Building Code, the International Existing Building Code, the International Plumbing Code, the International Mechanical Code, and the International Residential Code. Also adds the International Swimming Pool and Spa Code to the definition of the state building code. Includes a provision stating: “In the event of a conflict of requirements within the aforementioned codes, the less stringent requirement shall apply”. At issue is a requirement to have basement ceilings protected by drywall or sprinklers when “I-joists” are utilized.

Questions?
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