Bill as Introduced

SB 467 - AS INTRODUCED

2000 SESSION

00-2818
09/01

SENATE BILL ***467***

AN ACT relative to the exemption from regulation of certain elevating devices.

SPONSORS: Sen. Johnson, Dist 3; Sen. Francoeur, Dist 14; Rep. Clegg, Hills 23

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows the labor commissioner to exempt certain elevating devices from the requirements of the elevator and accessibility lift law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2818
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to the exemption from regulation of certain elevating devices.

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

1 . 1 New Section; Exemption for Elevating Devices. Amend RSA 157-B by inserting after section
2 17 the following new section:
3 157-B:17-a Exemption. The commissioner may exempt elevating devices which do not conform
4 with the definitions in RSA 157-B:2 from the provisions of this chapter. The commissioner may
5 adopt rules relative to adequate safety criteria for exempted elevating devices.
6 2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 467 Date 5/2/00

Committee LABOR

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON SB467

BILL TITLE: relative to the exemption from regulation of certain elevating devices.

DATE: May 02, 2000

LOB ROOM: 306 **Time Public Hearing Called to Order:** 8:30am

Time Adjourned: 9:00am

(please circle if present)

Committee Members: Reps. Daniels, Turner, Clegg, Bishop, Christiansen, Kennedy, Putnam, Bridle, Gilman, D. Hall, Torressen, N. Wall, Whittier, Hinman, Mears, Baroody, Hutchinson, Kelley, Wiggins, Heon, Goley and McColgan.

Bill Sponsors: Sen. Johnson, Sen. Francoeur, Rep. Clegg

TESTIMONY

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

Sen. Johnson, prime sponsor, stated that the current statute is a "one-size-fits-all"----i.e. dumbwaiters in restaurants. Financial burden is too heavy for some to bear, to correct. Can be addressed in "rules" rather than statute.

Rep. Turner asked if "lifting of records" applies. Is 541:A the proper reference for adopting rules?

Rep. Wall stated that it is unclear as to what "elevating devices" covers.

Rep. McColgan stated that coverage is very broad; could we define specifics.

Rep. Putnam asked about the date of effectiveness. Response: Immediate. This bill gives commissioner wide latitude.

John Cook, Mame's Restaurant in Ashland supports bill. In his situation, the current law would require replacing two (2) units at a cost of $50,000 plus maintenance. He noted that he has had two (2) units in operation for twenty-five (25) years with no problems.

Rep. Clegg stated that elevators not meant for human occupancy are hard to define. He noted that this bill is meant for restaurants, nursing homes and hospitals. Primarily for dishes, etc. Commissioner wanted to define areas to be exempted.

Rep. Baroody, Rep. Mears, Rep. Wall and Rep. McColgan all had questions regarding definitions and whether or not the commissioner can exempt these devices. **Rep. McColgan** asked if this also affected safety devices.

Statute needs to be amended in order to change the rules and allow the commissioner to decide.

Respectfully submitted,

Nancy W. Wall, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

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Sen. Johnson – current statute is a "one-size fits all" —
i.e. dumb waiters, as in restaurants.
Financial burden is too heavy for some to bear, to correct.
Can address in "rules" rather than statute

Questions
Rep. Turner – Does lifting of "records" apply?
Is 541:A the proper reference for adopting rules?
Rep. Wall – Unclear as to what "elevating devices" covers?
Rep McColgan – Coverage is very broad; could we define specifics?
Rep. Putnam – Date of passage for effectiveness? (Immediate)
This bill gives commissioner wide latitude.

John Cook – (Nanna's Restaurant) supports bill.
Current law would require replacing (2) units at a cost of $50,000 = plus maintenance. Has had 2 units in operation for 25 years with no problems.

(over)

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STATE OF NEW HAMPSHIRE

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AN ACT relative to the exemption from regulation of certain elevating devices.

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

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157-B:17-a Exemption. The commissioner may exempt elevating devices which do not conform with the definitions in RSA 157-B:2 from the provisions of this chapter. The commissioner may adopt rules relative to adequate safety criteria for exempted elevating devices.

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

??

Rep. Clegg - re: Elevators not meant for human occupancy are hard to define.
Bill meant for restaurants, (nursing homes, hospitals) primarily for dishes etc.
Commissioner wanted to define areas to be exempted.

Questions:
Rep. Baroody -
Rep Mears -
Rep. Wall - } all concerning definitions; can commissioner exempt these devices?
Rep McColgan - does this affect safety devices?

Statute needs to be amended in order to ~~change~~ the rules, allow the commissioner to decide.

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB467

BILL TITLE: **relative to the exemption from regulation of certain elevating devices.**

DATE: May 02, 2000

LOB ROOM: 306

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Clegg

Seconded by Rep. Hutchinson

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 12-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Nancy W. Wall, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on SB467

BILL TITLE: **relative to the exemption from regulation of certain elevating devices.**

DATE: 5/2/00

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Moved by Rep. Clegg

Seconded by Rep. Hutchinson

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 12-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. ~~James J. Fenton~~, Clerk

OFFICE OF THE HOUSE CLERK 2000 SESSION

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: SB 467 **Title:** exemption for regulation of certain elevating devices

PH Date: 5/1 2/00 **Exec Session Date:** 5/2/00

Motion: OTP **Amendment #:**

MEMBER	YEAS	NAYS
Daniels, Gary L, Chairman	✓	
Turner, Robert H, V Chairman	✓	
Clegg, Robert E	✓	
Bishop, Franklin C		
Christiansen, Lars T	✓	
Kennedy, Richard E		
Putnam, Ed M	✓	
Bridle, Russell D		
Gilman, G Michael	✓	
Hall, David A		
Torressen, Gary P		
Wall, Nancy W	✓	
Whittier, John M	✓	
Hinman, Harry T		
Mears, Edgar H		
Baroody, Benjamin C	✓	
Hutchinson, Rebecca C	✓	
Kelley, Jane P		
Wiggins, Celestine K		
Heon, Richard F		
Goley, Jeffrey P	✓	
McColgan, Philip J	✓	
TOTAL VOTE:	12	0

Printed: 12/30/1999

Committee Report

COMMITTEE REPORT

COMMITTEE: **Labor, Industrial and Rehabilitative Services**

BILL NUMBER: **SB 467**

TITLE: relative to the exemption from regulation of certain elevating devices.

DATE: May 02, 2000 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill allows the Commissioner of Labor to exempt from certain elevator requirements, elevating devices used as "dumbwaiters" in restaurants.

Vote 12-0.

Rep. Robert E. Clegg, Jr.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Labor, Industrial and Rehabilitative Services

SB 467, relative to the exemption from regulation of certain elevating devices. OUGHT TO PASS Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services:
This bill allows the Commissioner of Labor to exempt from certain elevator requirements, elevating devices used as "dumbwaiters" in restaurants. Vote 12-0.

COMMITTEE REPORT

COMMITTEE: **Labor, Industrial and Rehabilitative Services**

BILL NUMBER: **SB 467**

TITLE: relative to the exemption from regulation of certain elevating devices.

DATE: CONSENT CALENDAR YES ☑ NO ☐

☑ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 12-0

Rep.
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

THIS BILL ALLOWS THE Commissioner of LABOR to Exempt from certain ELEVATOR requirements, ELEVATING DEVICES used AS "DUMBWAITERS" IN Restaurants.

12-0