HB 232-FN - AS INTRODUCED

2023 SESSION

23-0395
05/04

HOUSE BILL ***232-FN***

AN ACT adopting section 1910 OSHA standards for public sector employees in New Hampshire.

SPONSORS: Rep. B. Sullivan, Sull. 1; Rep. Infantine, Hills. 16; Rep. Avellani, Carr. 4; Rep. Bouchard, Hills. 24

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill incorporates by reference certain OSHA standards applicable to public employees in New Hampshire. The bill also establishes a legislative subcommittee to meet with department of labor employees regarding the state's public sector safety and health program.

The bill is a request of the study committee established in 2021, 216:1 (HB 448).

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT adopting section 1910 OSHA standards for public sector employees in New Hampshire.

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

1 Health and Safety of Employees; Incorporation of OSHA Standards. Amend RSA 277:1 to read as follows:

277:1 Application. This chapter shall apply to all places of employment in which one or more persons are regularly employed. ***Employers shall provide employees at least the level of protection provided under the federal Occupation Safety and Health Administration standards found in 29 C.F.R. Part 1910 D through Z, with the exception of Subpart U. All current and updated references found within 29 C.F.R. Part 1910 D through Z, with the exception of Subpart U, are incorporated by reference and applicable to all places of employment covered by this chapter.***

2 New Section; Safety and Heath of Employees; Legislative Subcommittee. Amend RSA 277 by inserting after section 1-b the following new section:

277:1-c Legislative Subcommittee Established. There is hereby established a 3-member subcommittee of the house labor, industrial and rehabilitative services committee, to meet at least quarterly with safety and health staff from the department of labor to review the state's public sector safety and health program.

3 Inspection and Orders by the Commissioner of Labor; Rulemaking; Reference Removed. Amend RSA 277:16, I to read as follows:

I. The commissioner of labor shall adopt such rules, under RSA 541-A, as [~~he~~] ***the commissioner*** deems reasonable and necessary in order to carry out properly the provisions of RSA [~~277:10 and~~] 277:11.

4 Repeal. The following are repealed:

I. RSA 277:2, relative to scaffolding and other devices for use of employees.

II. RSA 277:3, relative to scaffolding requirements.

III. RSA 277:4, relative to the weight requirement for scaffolding.

IV. RSA 277:6, relative to medical chests.

V. RSA 277:7, relative to the penalty for violation of RSA 277:6.

VI. RSA 277:10, relative to sanitation.

VII. RSA 277:16, II, relative to an obsolete reference to rulemaking authority and RSA 277:10.

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

LBA
23-0395
12/21/22

HB 232-FN- FISCAL NOTE
AS INTRODUCED

AN ACT adopting section 1910 OSHA standards for public sector employees in New Hampshire.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Various Government Funds			

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill incorporates by reference certain OSHA standards applicable to public employees in New Hampshire.

The Department of Labor indicates this bill would increase state, county and local expenditures by an indeterminable amount. These costs would be driven by adjustments that may have to be made by government entities in order to become compliant. The Department anticipates additional costs due to the potential need for more staff. The Department is currently reviewing staffing to determine whether reassignment of duties would be sufficient, or if it would need to hire additional staff. The Department will work to define this number credibly, but presently it is deemed indeterminable. The Department does not expect this bill would have a material impact on state, county or local revenue. It is possible that additional fines would be levied by

the Department against employers acting in violation of the proposed provision. Any such revenue is indeterminable.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of Labor