Bill as Introduced

HB 321 – AS INTRODUCED

2003 SESSION

03-1023
10/01

HOUSE BILL ***321***

AN ACT relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

SPONSORS: Rep. Clayton, Hills 50; Rep. Baroody, Hills 54

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill provides for changes to ordinary and accidental death benefits for members of the Manchester retirement system, if such changes are adopted by voters in a referendum.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 321 – AS INTRODUCED

03-1023
10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

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

1 Manchester Retirement System; Death Benefits Provisions. 1973, 218:16, as amended by 1999, 103:5 and 2002, 194:1, is repealed and reenacted to read as follows:

218:16 Benefits Upon Death of A Member.

I. Accidental Death Benefits.

(a) If, upon the receipt by the board of trustees of proper proof of the death of a member in service indicating that such death was the natural and proximate result of an accident occurring while in the performance of duty at some definite time and place, the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a monthly benefit shall be paid to his surviving spouse, to continue until the spouse dies or remarries; or if there is no surviving spouse, or if the surviving spouse dies or remarries before the youngest child of the deceased member has attained age 18, then to his child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship monthly benefit for the benefit of such child or children under said age until every child dies or attains said age; or if there is no widow or child under age 18 living at the death of the member, then to his dependent father or dependent mother as the board shall determine, to continue for life; or if the deceased member is a female, the foregoing benefits shall be payable to her widower, children or dependent parents only in like manner and amount; provided that if none of the aforementioned beneficiaries is living or eligible for benefits under the provisions of this section, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum amount which is equal to the deceased member's base salary plus accrued benefits not paid at the time of death, in addition to a refund of contributions as provided under section 11, paragraph I.

(b) Upon the accidental death of a member the amount of the monthly benefit payable shall be equal to 50 percent of the member's final average earnings.

II. Ordinary Death Benefits.

(a) Upon receipt by the board of trustees of proper proof of the death of a member in service indicating that such death was not the result of an accident occurring while in the performance of duty, there shall be a death benefit payable to the member's surviving spouse or designated beneficiary or beneficiaries, if living, otherwise to the member's estate.

(b) If the member has at least 5 years creditable service or was eligible for service retirement at the time of the member's death and had not designated a beneficiary or beneficiaries other than the member's spouse, there shall be payable to the member's surviving spouse, continuing until the spouse's death or remarriage, the greater of either an allowance equal to 50 percent of the service retirement allowance that would have been payable to the member had the member retired immediately prior to death, based on final average earnings and creditable service at the time of death, or an allowance computed according to the member's length of service and the reduction in benefit payments computed for a 100 percent contingent annuitant option and for early retirement. In lieu of an allowance, the surviving spouse may elect a lump sum benefit equal to the deceased member's annual earnings at the time of death, in addition to a refund of contributions as provided under section 11, paragraph I.

(c) If the member did not have at least 5 years creditable service and was not eligible for service retirement at the time of death, there shall be payable to the member's spouse or the member's designated beneficiary or beneficiaries, if other than the member's spouse, if living, otherwise to the member's estate, a lump sum benefit equal to the deceased member's annual earnings at the time of death in addition to a refund of contributions as provided under section 11, paragraph I.

(d) However, if the member had at least 5 years creditable service or was eligible for service retirement, but is not survived by a spouse, or has designated a beneficiary or beneficiaries other than the member's spouse, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum benefit equal to the deceased member's annual earnings at the time of death, in addition to a refund of contributions as provided under section 11, paragraph I.

2 Manchester Retirement System; Designation of Beneficiaries; Reference Changed. Amend 1973, 218:19, as amended by 2002, 194:1, to read as follows:

218:19 Designation of Beneficiaries. A member may, prior to his or her retirement date, designate a beneficiary or beneficiaries to receive any benefits, other than the annuity death benefit payable under section 16[~~, paragraph I,~~] payable on or after the member's death. The member shall designate his or her beneficiaries on a form satisfactory to the retirement board. The board shall be entitled to rely on a form that is witnessed by a board representative or a notary public and delivered to a retirement board representative. A member may at any time revoke his or her beneficiary designation or change his or her beneficiaries by completing a new form in accordance with the requirements of this section. The retirement board shall be entitled to rely on such designation for purposes of the payments of benefits under this act. In the event no valid designation of beneficiary exists at the time of the member's death, or all beneficiaries shall predecease the member, any benefits shall be payable to the member's estate.

3 Referendum. At the election to be held in the city in November, 2004, the city clerk then in office shall cause to be included on the ballot the following statement and question: "A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2003, amending sections 16 and 18 of the city of Manchester employees contributory retirement system to provide for changes in accidental and ordinary death benefits?" Beneath this statement and question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his or her choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective as of the date of the election, except as otherwise provided within the act. The city clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on the question.

4 Effective Date. Section 3 of this act, relative to the referendum, shall take effect upon its passage. If the remaining provisions of this act shall be adopted as provided in section 3, said provisions shall be declared adopted and shall become effective on the date of the election.

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 321

BILL TITLE: relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

DATE: February 11, 2003

LOB ROOM: 100 SH **Time Public Hearing Called to Order:** 11:20 AM

Time Adjourned: 11:30 AM

(please circle if present)

Committee Members: Reps. O'Neil, Hamel, Langer, Goulet, Zolla, N. Allan, Dexter, Hall, C. Robertson, Bergin, LaFlamme, Milligan, W. Field, Fitzgerald, Maybeck, Clayton, Schulze, DeJoie, Irwin, Pilotte and F. Sullivan.

Bill Sponsors: Rep. Clayton, Hills 50; Rep. Baroody, Hills 54

TESTIMONY

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

Rep. DeJoie, introduced bill for Rep. Clayton.
Rep. Baroody, co sponsor. Support bill. Whole new bill which deals with the Manchester retirement system. Will be on ballot if approved.
Harry Ntapalis, representing City of Manchester. 624-6503. Supports bill. Has had experienced 3 untimely deaths and has had to discuss the outcome. All have had 20-25 years employment but were just shy of retirement. They have discussed merging into state plan and find there are about 1300 of the 2500 employees that could be merged but amount to merge is excessive.

Respectfully submitted,

Ray L Langer

Rep. Ray Langer, Clerk

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 321

BILL TITLE: **relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.**

DATE: February 11, 2003

LOB ROOM: 100 SH

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Hamel

Seconded by Rep. Zolla

Vote: 15-0 (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE: 15-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ray F. Langer, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: #321 **Title:**

PH Date: 2/11/03 **Exec Session Date:** 2/11/03

Motion: OTP **Amendment #:**

MEMBER	YEAS	NAYS
O'Neil. Michael. Chairman	15	
Hamel. Albert W. V Chairman	1	
Langer. Rav F	2	
Goulet. Maurice E		
Zolla. William R	3	
Allan. Nelson S		
Dexter. Judson K	4	
Hall. Charles Q	5	
Robertson. Carl G	6	
Bergin. Peter F		
LaFlamme. Paul G	7	
Milligan. Robert H		
Field. William D	8	
Fitzgerald. James M	9	
Mayhew. Margie	10	
Clayton. William K		
Schulze. Joan H	11	
DeJoie. John		
Irwin. Anne-Marie	12	
Pilotte. Maurice L	13	
Sullivan. Francis B	14	
	15/0	

TOTAL VOTE:

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **HB 321**

TITLE: relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.

DATE: February 11, 2003 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

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

STATEMENT OF INTENT
(Include Committee Vote)

This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester.

Vote 15-0.

Rep. Albert W. Hamel
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Executive Departments and Administration
HB 321, relative to ordinary and accidental death benefits in the city of Manchester employees contributory retirement system.**OUGHT TO PASS**
Rep. Albert W. Hamel for Executive Departments and Administration: This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester retirement system. The provisions of the bill are subject to a referendum vote in the city of Manchester **Vote 15-0.**

HB 320 — — — Rep Albert W. Hamel for Ed. A.

This bill is enabling legislation allowing the city of Manchester to pursue their efforts to improve the Manchester Retirement System. The provisions of the bill are subject to a referendum vote in the city of Manchester.

Vote 15-0

HB 321 — — — — ought to pass.

Vote 15-0