Bill as Introduced

SB 81-FN – AS INTRODUCED

2003 SESSION

03-0702
10/09

SENATE BILL ***81-FN***

AN ACT granting a retirement system annuity to the surviving spouse of Carl Morin.

SPONSORS: Sen. Gallus, Dist 1; Rep. Woodward, Coos 3; Rep. Poulin, Coos 3; Rep. Theberge, Coos 3; Rep. Guay, Coos 2

COMMITTEE: Insurance

ANALYSIS

This bill grants a retirement system annuity to the surviving spouse of Carl Morin, a deceased group II member of the Berlin fire department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 81-FN – AS INTRODUCED

03-0702
10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT granting a retirement system annuity to the surviving spouse of Carl Morin.

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

1 Retirement Benefit Granted. Notwithstanding any requirements of RSA 100-A to the contrary, the New Hampshire retirement system, through the board of trustees, shall grant a state annuity to be paid to the surviving spouse, or otherwise to the estate, of Carl Morin, who died in 2002 and who was a group II retirement system member employed by the Berlin fire department. Such state annuity shall be determined according to the provisions for paying an accidental death benefit under RSA 100-A:8, II.

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

LBAO
03-0702
1/9/03

SB 81-FN - FISCAL NOTE

AN ACT granting a retirement system annuity to the surviving spouse of Carl Morin.

FISCAL IMPACT:

The New Hampshire Retirement System states this bill will increase state restricted expenditures by $246,000 in FY 2003. There will be no fiscal impact on state, county, and local revenue or county and local expenditures.

METHODOLOGY:

The New Hampshire Retirement System states this bill would provide an annual state annuity payable to Mr. Carl Morin's surviving spouse, as determined under RSA 100-A:8, II. The terminal funding as of June 30, 2003 is $203,000, assuming his surviving spouse is not eligible to receive a lump sum payment under RSA 100-A:9 equal to his annual compensation of $43,000. If the intent of this legislation is to provide her with an annual annuity equal to 50% of his compensation, and she is also eligible to receive a lump sum under RSA 100-A:9, the terminal funding cost would be $246,000.

The Actuary's letter is on file in the bill jacket in the Senate Clerk's Office.

Amendments

Sen. Gallus, Dist. 1
February 5, 2003
2003-0189s
10/03

Amendment to SB 81-FN

Amend the title of the bill by replacing it with the following:

AN ACT granting a retirement system annuity and medical benefits to the surviving spouse and children of Carl Morin.

Amend the bill by replacing section 1 with the following:

1 Retirement Benefits Granted. Notwithstanding any requirements of RSA 100-A to the contrary, the New Hampshire retirement system, through the board of trustees, shall grant a state annuity to be paid to the surviving spouse, or otherwise to the estate, of Carl Morin, who died in 2002 and who was a group II retirement system member employed by the Berlin fire department. Such state annuity shall be determined according to the provisions for paying an accidental death benefit under RSA 100-A:8, II. The surviving spouse and children of Carl Morin shall be entitled to the payment of medical benefits costs under RSA 100-A:52, I(e).

2003-0189s

AMENDED ANALYSIS

This bill grants a retirement system annuity and payment of medical benefits costs to the surviving spouse and children of Carl Morin, a deceased group II member of the Berlin fire department.

Committee Minutes

Date: February 11, 2003
Time: 9:08 AM
Room: LOB 101

The Senate Committee on Insurance held a hearing on the following:

SB 81-FN granting a retirement system annuity to the surviving spouse of Carl Morin.

Members of Committee present: Senator Flanders
Senator Prescott
Senator Cohen
Senator Martel
Senator Roberge

The Chair, Senator Robert B. Flanders, opened the hearing by calling upon the Prime Sponsor, Senator John Gallus.

Senator John Gallus, D. 1: Mr. Chairman, members of the Committee, for the record, I'm Senator John Gallus from District 1, representing 56 towns and one city. I wish to introduce Senate Bill 81, with amendment, which I have provided to you today. ***See Attachment A.*** This bill amendment would provide a retirement annuity and health benefit to the surviving spouse of Carl Morin.

Carl was a dedicated Berlin Firefighter who served the Berlin Fire Department for 9 years. His untimely death left his young family without insurance protection and pension benefits. Although his passing was not an on-duty occurrence, he was within a year of being vested in the retirement program.

I ask that you act favorably on this bill and help this young firefighter's family in their time of need.

I also, with your permission, would like to introduce Mrs. Ann Morin at this time. Ann?

Ann Morin, Berlin, NH: My name is Ann Morin. You'll have to forgive me, I'm a little hoarse today and I have a little bit of a cold.

My husband Carl Morin joined the Berlin Fire Department on February 1, 1990 as a call-firefighter. He became a full-time firefighter on November 29, 1993. Before he became a full-time firefighter, he also was employed by the Department of Corrections in the Group II pension system. He worked for over 9 years in Group II pension system positions. Carl always wanted to work for the Berlin Fire Department. He loved his job. He was a very good Lieutenant. He loved his job and his family but his job always came first. We had our future planned right down to our retirement.

When we married in 1991 we wanted a family but it was important for us to be able to provide for our children. So, we waited until he had a secure job at the Fire Department. Before he had joined, they had gone through a period where they had some layoffs and he wanted to make sure that if he got into the Department that his position was secure before we brought children into this world. He also wanted me to be able to remain home with our children as much as possible.

Carl missed birthdays, dance recitals, open houses and holidays, almost every Christmas and anniversary because of work; because of the shifts that they work and the nature of their jobs.

Our 11th anniversary was two days before the accident that led to his death. That day he worked a 24-hour shift, which was followed by two night shifts and then the day of the accident. In that period of time I saw him very little.

Our lives revolved around his scheduled and his job at the Fire Station. He carried his pager with him at all times and often during the night it would ring and he'd have to respond back to a second alarm or a general alarm. There'd be times when he'd come home from the fire and for weeks after when he'd blow his nose or cough, he'd bring up the soot. I always commented, being a health professional, about the danger and the damage it was doing to his lungs but it was part of his job and he accepted it readily.

I also remember a comment to a new firefighter they made when the firefighter asked how the schedule worked for special occasions and holidays pertaining to that particular firefighter, Carl replied, *"I haven't been off for an anniversary yet and you better get used to working holidays."*

For almost ten years Carl had not paid into the Social Security System due to the Group II retirement plan. This is because of the way the retirement plan works and the expected retirement benefit from the Group II and the protection of the Group II plan. Due to this benefit, the way it's calculated is on – Social Security benefits are calculated on the earnings that you make prior to your passing or your retirement. For over nine years Carl hadn't

paid into the Social Security System. So, if I had died instead of him, my children and Carl would be receiving $200 a month more per child than I'm receiving now because of the difference.

Carl always told me that if anything should happen to him not to worry because of the good benefit system that the Fire Department had, however, he was wrong. Since then, I have been forced to applied for Medicaid for our children; something that he would never have wanted to have happen. However, I can get benefits for the children but because I'm slightly over income because I worked part-time, I don't receive any benefits.

I know that Carl was not on the scene of a fire when he died but due to the nature of his job he was on call all the time, 24-7. I'm not necessarily asking that you carry my family and children by the System, I'm asking that my children and I be allowed the opportunity to be included in the health insurance as we would have if he was still alive. Thank you.

Senator Robert B. Flanders, D. 7: Any questions? Thank you very much for your testimony. Representative Theberge?

Representative Robert Theberge, Coos County, District 3: Written testimony handed in read. ***See Attachment B and C.***

Senator Robert B. Flanders, D. 7: Any questions of this witness?

Senator Sheila Roberge, D. 9: Yes, I have some.

Senator Robert B. Flanders, D. 7: Senator Roberge?

Senator Sheila Roberge, D. 9: Have you seen the fiscal note to this bill?

Representative Theberge: Yes, I have.

Senator Sheila Roberge, D. 9: I don't quite understand it.

Representative Theberge: The calculations?

Senator Sheila Roberge, D. 9: No, if he had lived the next year and invested, how does that – it has a fiscal note of $246,000. How does that work?

Representative Theberge: To be honest with you, Senator Roberge, I'm not quite sure. I don't know if somebody here might be able to a calculation...

Senator Robert B. Flanders, D. 7: ...Representative, are you aware of the fiscal note?

Representative Theberge: I've seen it but I don't know the calculations because they're in the Retirement II Program.

Senator Sheila Roberge, D. 9: Maybe somebody else does.

Senator Robert B. Flanders, D. 7: Are you, for the record, I think we should have on the record, do you know the circumstances of how the accident occurred?

Representative Theberge: Yes, I do.

Senator Robert B. Flanders, D. 7: Can you refer that to the record, please?

Representative Theberge: Yes. It happened – Carl was an avid hang-glider and it happened in Vermont, if I'm correct – right, Ann? Unfortunately, it's one of those things that do occur when hang-gliding. Carl was an excellent hang-glider. He had been hang-gliding for many, many years; was always taking care of his equipment, making sure that everything was – safety first was always in his mind. It was just one of those things that – it was a freak accident that did occur.

Senator Robert B. Flanders, D. 7: Thank you. Any other questions of this witness?

Senator Sheila Roberge, D. 9: In hang-gliding, do they jump off a cliff or is this out of a plane? I don't know.

Ms. Morin: It's sort of a wing and fly off. He's been doing it since...

Senator Robert B. Flanders, D. 7: ...any other questions of this witness? If not, thank you for your testimony. Is there anyone else that has not signed up but wishes to testify?

Representative Theberge: Thank you.

Jeffrey Brown, Professional Firefighters of NH: Thank you, Mr. Chairman. Jeffrey Brown, representing the Professional Firefighters of NH. I'm here before you this morning in support of Senate Bill 81.

Mr. Chairman, although the situation falls outside the black letter law in the statute, there are occasions when at times this Legislature has looked outside of the four corners of the law and this is one such occasion.

Technically, Carl served over nine years in the Group II system, which according to the statute disqualifies him for the benefit because he fell short of the 10 years. However, if we consider his overall service to the City of Berlin and the citizens, including his call and volunteer time, I think a justification could be made to make an exception in this case. I would submit that had Carl only had five years in the system, or seven years in the system, we wouldn't be before you today. It seems that equity would result when someone is months shy rather than years shy of vested benefits that we make considerations in this instance.

I thank you for your support and attention to this matter. The whole organization of the Professional Firefighters supports this bill.

Senator Robert B. Flanders, D. 7: Please sign the sheet.

Mr. Brown: Yes sir.

Senator Robert B. Flanders, D. 7: Any questions of this witness? If not, anyone else who would like to speak in reference to this bill? If not, I declare the hearing closed.

Hearing on Senate Bill 81 closed at 9:26 AM.

Respectfully submitted,

MA Chandler

Merideth Ann Chandler,
Senate Secretary
03/13/03

Attachments: 3

Attachment A

Sen. Gallus, Dist. 1
February 5, 2003
2003-0189s
10/03

Amendment to SB 81-FN

Amend the title of the bill by replacing it with the following:

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2003-0189s

AMENDED ANALYSIS

This bill grants a retirement system annuity and payment of medical benefits costs to the surviving spouse and children of Carl Morin, a deceased group II member of the Berlin fire department.

Attachment B

Robert L. Théberge, Ph.D.

30 Oxford Street, Berlin, NH 03570-0271, Tel. (603) 752-5672; E-mail: rolath@ncia.net

February 11, 2002

New Hampshire
State Senate
33 North State Street
Concord, NH 033301

Re: SB 81 / Letter of Support

Dear Senate Committee Members:

I thank you for the opportunity to address you this morning. My name is Robert L. Théberge, State Representative from District 3. Prior to being elected as a State Representative, I was the City Manager in Berlin for nearly 4 years. Although I have always had admiration for personnel in the City's Safety Departments (Fire and Police), it was not until I served as the Acting Fire Chief for a period of 13 months, that I gained a profound respect and firsthand knowledge of the trials and tribulations facing firefighters. There are those among us who view firefighters as individuals who sit and wait for a fire to occur. As I sincerely hope you know, this is far from reality. In addition, to fighting fires, firefighters conduct educational programs, do river/water rescues, respond to hazardous materials situations, maintain equipment in tip top shape, provide animal rescues, conduct fire investigations, and continue their respective training, to mention a few.

The bottom line for SB 81 should not be considered in pure economic terms but, what is morally right. A firefighter places his trust in the State Retirement System in the hopes that his/her family will be well taken care of in the event of their untimely death. What should not be happening here is allowing a family to endure hardship as a result of a premature death.

I must admit, that as a City Manager, I was always leery of setting a precedence when faced with decisions. However, at times exceptions must be made in order to do what is ethically the only course of action to take. I urge you to look at SB 81 not how it will impact the State Retirement System but what impact it has on a young family trying to survive.

Your courage to support SB 81 will send a strong a clear message that as legislatures you support our firefighters statewide who place their lives on the line protecting your respective communities.

Respectfully,

Robert L. Théberge, Ph.D.
State Representative, District 3

Attachment C

BERLIN FIRE DEPARTMENT

OFFICE OF THE FIRE CHIEF
RANDALL SCOTT TRULL

New Hampshire
Sate Senate
33 North State Street
Concord, NH 03301-6328

Subject: SB81-FN Granting a retirement system annuity to the surviving spouse of Carl Morin.

Dear Senate Committee:

I am writing to support SB81-FN granting a retirement system annuity to the surviving spouse of Carl Morin. Mr. Morin's creditable time of service being nine years leaves him shy one year to be vested. This tragic loss left behind a wife and two children lessoning their long-term income. We look at the fighter as having one of the most stressful jobs in America, what about the family of a firefighter. When birthdays, kids talent shows at school, holidays, anniversaries, and any other special events, missed because they had to work protecting our community, who supports them at this point, the family. Mr. Morin did not ask to leave something he loved to do, keeping his community safe. Our firefighters take care of your family's, now lets take care of theirs.

Thank you for you consideration in this matter, showing your support for the families that make New Hampshire a Safe Place to Live.

Sincerely Yours,

Chief Randall Trull
Berlin Fire Department

263 Main Street ♦♦ Berlin New Hampshire 03570 ♦♦ Phone: (603) 752-3136 ♦♦ Fax: (603) 752-8583 ♦♦ Email:ChiefTwoFive@aol.com

Speakers

SENATE INSURANCE COMMITTEE

Date 02/11/03 Time 8:50 AM Public Hearing on **Bill # SB 81-FN**

granting a retirement system annuity to the surviving spouse of Carl Morin.

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☒	☐	REP. DAVID S. WOODWARD	COOS 3
☒	☒	☐	Sen. John Gallus	Prime Sponsor
☒	☒	☐	Ann Morin	
☐	☒	☐	Rep. John DeJoie	Merr. 39
☒	☒	☐	Robert Thibeault	DIST. 3
☒	☒	☐	Jeffrey Brown	Professional Firefighters
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: February 20, 2003

THE COMMITTEE ON Insurance

to which was referred Senate Bill 81-FN

AN ACT granting a retirement system annuity to the surviving spouse of Carl Morin.

VOTE: 3-1

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Russell E. Prescott
For the Committee

SB81 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: granting a retirement system annuity to the surviving spouse of Carl Morin.

Date	Body	Description
1/30/2003	**S**	Introduced and Ref. to Insurance; SJ 3, Pg.33
1/31/2003	**S**	Hearing; February 11, 2003, Room 101, LOB, 8:50 a.m.; SC7
2/28/2003	**S**	Commitee Report; Inexpedient to Legislate [03/06/03]; SC12
3/6/2003	**S**	Inexpedient to Legislate, MA, VV === KILLED ===; SJ 7, Pg.69

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations