

Amendment to SB 134-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraph; Retirement System; Disability Retirement; Group II Violent Act Injury  
4 Disability. Amend RSA 100-A:6 by inserting after paragraph II the following new paragraph:

5 II-a. Group II Violent Act Injury Disability. Upon the application of a group II member in  
6 service or of his or her employer, any such member who has, during the performance of their duties,  
7 sustained a serious bodily injury as defined in RSA 625:11 which results in any permanent physical  
8 condition that is congenital or due to injury or disease and that is of such seriousness as to constitute  
9 a hindrance or obstacle to obtaining employment as a police officer or to obtaining employment as a  
10 police officer if the employee should become unemployed as a direct result of a purposeful, violent  
11 attack upon such member by means of a deadly weapon as defined in RSA 625:11 shall be retired by  
12 the board of trustees on a violent act injury disability retirement allowance, according to the  
13 following procedures:

14 (a) Any member in service classified in group II, who is unable to perform the essential  
15 duties of the member's job and that such inability is likely to be permanent before attaining the  
16 normal retirement age for the member's group by reason of a violent act injury sustained while in  
17 the performance of the member's duties at some definite place and at some definite time on or after  
18 the date of becoming a member, without serious and willful misconduct on the member's part, upon  
19 the member's written application on a prescribed form filed with the board and the member's  
20 respective employer or upon such an application by the head of the member's department after a  
21 hearing, if requested, shall be deemed retired for an accidental disability as of a date which shall be  
22 specified in such application and which shall be not less than 15 days nor more than 4 months after  
23 the filing of such application. No such retirement shall be allowed unless such violent act injury was  
24 sustained within 2 years prior to the filing of such application or, if occurring earlier, unless written  
25 notice thereof was filed with the board by such member or on the member's behalf within 90 days  
26 after its occurrence, or if the member is actively receiving accidental disability retirement benefits  
27 the date this act shall take effect such member or on the member's behalf shall have 90 days to file  
28 application for violent act injury disability benefits and if approved such members benefit shall  
29 adjust to violent act injury disability benefits. No retirement shall be allowed unless the board, after  
30 a review of the evidence it deems appropriate, and after review and examination by a medical  
31 practitioner and certification of such incapacity, shall find that such member is physically unable to

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1 perform the essential duties of the member's job because of a violent act injury, that such inability is  
2 likely to be permanent, and that the member should be so retired.

3 (b) Upon a violent act injury disability retirement, the group II member shall receive a  
4 disability retirement allowance which shall be equal to the member's annual rate of earnable  
5 compensation or an annual allowance of \$75,000, whichever is greater, and which shall include  
6 annual 2.5 percent supplemental allowances.

7 (c) In the event that the member shall predecease their spouse and the member's death  
8 is the result of the same violent act injury, the member's spouse shall be entitled to 75 percent of the  
9 member's annual allowance, paid monthly, as long as such spouse shall live; provided that, when the  
10 member would have reached the mandatory retirement age, the member's spouse shall continue to  
11 be entitled to 75 percent of the member's annual allowance, including any cost of living increases,  
12 that the member would have received upon reaching the normal retirement age; provided, however,  
13 that if a beneficiary is eligible for benefits under this paragraph, the beneficiary shall elect to receive  
14 either a benefit pursuant to this paragraph, but shall not be eligible for both benefits. In the event  
15 that the member and the member's spouse predecease their children, the member's surviving  
16 unmarried children, if any, who are under age 18 or, if over that age and under age 22, are full-time  
17 students at an accredited educational institution, or who are over age 18 and physically or mentally  
18 incapacitated from earning income on the date of such member's retirement, shall be entitled to  
19 receive a pension of equal proportion, paid monthly, which shall total 75 percent of the amount of the  
20 allowance payable to the member at the time of their death. When a child no longer meets the  
21 qualifications for receipt of an allowance allocation under this paragraph, said child's allowance  
22 allocation shall cease and any remaining qualified children shall continue to receive the same  
23 amount each received before any child's allocation ceased.

24 (d) Nothing in this paragraph or any other provision of New Hampshire statutes shall  
25 limit the member's aforementioned retirement benefit or restrict the member from seeking  
26 accommodating employment by any entity or agency which is not classified under group II of the  
27 retirement system.

28 2 Maximum Benefit Limitation; Reference Added. Amend RSA 100-A:6-a to read as follows:

29 100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter  
30 to the contrary, for members who commenced service before July 1, 2009, or have attained vested  
31 status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted  
32 under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's  
33 highest year of earnable compensation. For members who commenced service on or after July 1,  
34 2009, and have not attained vested status prior to January 1, 2012, a member's maximum  
35 retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the  
36 lesser of 85 percent of the member's average final compensation or \$120,000. Nothing in this section

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1 shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and  
2 (c) **or RSA 100-A:6, II-a.** This provision shall not limit the application of supplemental allowances.

3 3 Medical Insurance Benefits; Violently Injured Police or Fire Member. Amend RSA 21-I:3, VII  
4 to read as follows:

5 VII. For the purposes of this section, "retired employee" also means each group II state  
6 employee who:

7 (a) Retires if the employee's state service began prior to July 1, 2010, or who retires with  
8 at least 20 years of creditable service for the state if the employee's state service began on or after  
9 July 1, 2010; or

10 (b) Dies or retires and is eligible for accidental death or accidental disability retirement  
11 benefits, regardless of the state employee's age or number of years of creditable service; or

12 (c) ***Retires and is eligible for violent act injury disability retirement benefits***  
13 ***under RSA 100-A:6, II-a, regardless of the state employee's age or number of years of***  
14 ***creditable service, and the retirement system shall make medical subsidy payments directly***  
15 ***to the retiree's employer, or to the former employer's insurer or health care administrator,***  
16 ***applied toward the cost of health insurance. Medical subsidy payments shall not be paid***  
17 ***directly to the retiree.***

18 (1) ***If the health insurance premium amount is less than the medical subsidy***  
19 ***amount, then only the insurance premium amount will be paid.***

20 (2) ***If the health insurance premium amount exceeds the medical subsidy***  
21 ***amount, then the retiree, or other qualified person, will be responsible for paying any***  
22 ***portion that the employer does not pay. Premium amounts may be deducted from the***  
23 ***retiree's, or other qualified person's, pension and remitted by the retirement system to the***  
24 ***employer or health care administrator.***

25 (3) ***Monthly medical subsidy rates for retiree's eligible under violent act***  
26 ***injury disability retirement benefits shall be: 1 person, \$1,000, and 2 person, \$2,000; or***

27 ~~[(e)]~~ (d) Retires and is eligible for ordinary disability retirement benefits, regardless of  
28 the state employee's age; or

29 ~~[(d)]~~ (e) Dies and is eligible for ordinary death retirement benefits, if the state employee  
30 was eligible for service retirement at the time of his or her death, if the state employee had at least  
31 20 years of creditable service for the state if the employee's state service began on or after July 1,  
32 2010.

33 4 Effective Date. This act shall take effect July 1, 2024.