

Amendment to SB 134-FN

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

2
3 1 New Subparagraphs; Violent Accidental Disability Retirement Allowance. Amend RSA 100-
4 A:6, II by inserting after subparagraph (d) the following new subparagraphs:

5 (e)(1) Upon the application of a group II member in service or of the member's employer,
6 any member shall be retired by the board of trustees on a violent accidental disability retirement
7 allowance where the member has been totally and permanently incapacitated for duty as the result
8 of a purposeful, hostile, and violent attack upon such member in the line of duty. In this section, a
9 "purposeful, hostile, and violent attack" means a physical attack with a deadly weapon, as defined in
10 RSA 625:11, V, and done with conscious intent and with such force that it results in the infliction of
11 serious bodily injury, as defined in RSA 625:11, VI.

12 (2) The provisions of subparagraph (e)(1) shall apply provided that:

13 (A) The member is found to be mentally or physically incapacitated for the
14 further performance of duty and that such incapacity is likely to be permanent;

15 (B) The member did not intend for injury to result from the member's conduct;
16 and

17 (C) The incapacitating event has been determined by the commissioner of safety
18 to meet the criteria of a violent attack under this section and certified to the retirement system on a
19 form approved by the board of trustees. Solely for the purpose of making this determination and
20 notwithstanding any other law to the contrary, the commissioner of safety may obtain any records
21 held by any state or municipal official regarding the circumstances, cause, or manner of violent
22 injury disability. The commissioner of safety may consult with the labor commissioner and may
23 disclose any information or records obtained in the course of his or her inquiry. Any records held by
24 the commissioner of safety pursuant to this section shall not be subject to the right-to-know law,
25 RSA 91-A, and shall not be subject to disclosure in any civil action.

26 (D) The injury has been found to be compensable by the employer, the employer's
27 insurance carrier, or the commissioner of labor pursuant to RSA 281-A:43.

28 (3) If the board of trustees is unable to grant violent accidental disability retirement
29 benefits after review of medical and factual information submitted by the member and by a
30 physician designated by the board, then the member shall be entitled to a hearing before the board
31 in order to determine whether the member qualifies for disability retirement benefits. The hearing
32 before the board may be designated to a presiding officer. The presiding officer designated by the

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board shall not be the same person who made an initial disability determination and recommendation to the board based on the medical and factual information submitted by the member and physician as stated above.

(f) Upon violent accidental disability retirement, the group II member shall receive a violent accidental disability retirement allowance equal to the member's earnable compensation during their last 12 months of active service at the date of the member's disability or an annual allowance of \$75,000, whichever is greater.

2 Retrospective Application for Benefit. Members who retired under accidental disability on or after July 1, 2018 shall have 90 days from the effective date of this act to file application for violent accidental disability benefits under section 1 of this act and, if approved, such members' benefit shall be modified effective to the date of the application for violent accidental disability retirement benefits.

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

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, or have attained vested status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. For members who commenced service on or after July 1, 2009, and have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c) **or RSA 100-A:6, II(e) and (f)**. This provision shall not limit the application of supplemental allowances.

4 Disability Retirement Benefits. Amend RSA 100-A:6, III(b)(4) to read as follows:

(4) The provisions of subparagraph (b)(1) shall not apply to a group II accidental disability beneficiary whose total of years of service as a member in group II plus years of accidental disability retirement is at least 20 years, as determined by the board, and who has attained the age of 45, **or a group II violent accidental disability beneficiary, regardless of age or years of service**. Any such accidental disability **or violent accidental disability** beneficiary shall receive retirement allowance benefits under this section without reduction for gainful occupation.

5 Benefits Upon Member's Death After Retirement - Group II Members. Amend RSA 100-A:12, II to read as follows:

II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon the death of a group II member who has filed an application for retirement benefits with the board of trustees after January 1, 1991, there shall be paid to the person nominated by the member by written designation filed with the board, if living, otherwise to the retired member's estate, in

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1 addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired
2 before July 1, 1988, and if the member is married on the date of such member's retirement, there
3 shall be paid to such surviving spouse an allowance to continue until the spouse's death or
4 remarriage equal to 50 percent of the member's service, ordinary disability, ~~or~~ accidental disability,
5 **or violent accidental disability** retirement allowance payments. For any person who is a group II
6 member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall
7 be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or
8 prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that
9 future group II members shall be included only if the total cost of such inclusion can be terminally
10 funded.

11 6 New Subparagraph; New Hampshire Retirement System; Medical Benefits; Payment by
12 Retirement System; Group II. Amend RSA 100-A:52, I by inserting after subparagraph (g) the
13 following new subparagraph:

14 (h) Any member retired on a violent accidental disability retirement allowance pursuant
15 to RSA 100-A:6, II(e).

16 7 New Hampshire Retirement System; Medical Benefits; Payment by Retirement System;
17 Group II. Amend RSA 100-A:52, II to read as follows:

18 II.(a) For the fiscal year beginning July 1, 2011, the maximum amount payable by the
19 retirement system under this subdivision on account of each person qualified under paragraph I who
20 is not entitled to Medicare benefits, shall be \$375.56 per month, and on account of each person
21 qualified under paragraph I who is entitled to Medicare benefits, shall be \$236.84 per month. The
22 rate payable under this paragraph shall not be increased.

23 (b) ***Notwithstanding subparagraph (a), for the fiscal year beginning July 1,***
24 ***2024, the maximum amount payable by the retirement system under this subdivision on***
25 ***account of each person qualified under subparagraph I(h) as result of a violent accidental***
26 ***disability who is not entitled to Medicare benefits, shall be \$1,000 per month, and on***
27 ***account of each person qualified under subparagraph I(h) who is entitled to Medicare***
28 ***benefits, shall be \$630.63 per month. The rate payable under this paragraph shall not be***
29 ***increased.***

30 8 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I
31 to read as follows:

32 I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are
33 active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had
34 completed no less than 20 years of group II creditable service, but who for reasons other than
35 retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of
36 July 1, 1993, are eligible for vested deferred retirement benefits; ~~and~~ to persons who are group II
37 permanent policemen or permanent firemen members on disability retirement as the natural and

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1 proximate result of injuries suffered while in the performance of duty who become permanent
2 policemen members of group II before July 1, 2005 or permanent firemen members of group II before
3 July 1, 2005; ***and to persons who are group II permanent policemen or permanent firemen***
4 ***members retired under a violent accidental disability***. Such additional benefits shall not apply
5 to other persons who become members of group II after the dates stated in this paragraph, without
6 future legislation to include them. It is the intent of the legislature that future group II members
7 shall be included only if the total cost of such inclusion can be terminally funded.

8 9 Medical Insurance Benefits; Retired Group II Employees. Amend RSA 21-I:30, VII(b) to read
9 as follows:

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

13 10 Effective Date. This act shall take effect July 1, 2024.