

Amendment to HB 1494-FN

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

2
3 AN ACT relative to death benefits for public works employees killed in the line of duty, and
4 relative to workers' compensation offsets for certain retirement system benefits.
5

6 Amend the bill by replacing section 1 with the following:

7
8 1 Death Benefit; Employees Killed in the Line of Duty; Public Works Employee Added. Amend
9 the section heading and paragraphs I through the introductory paragraph of III of RSA 21-I:29-a to
10 read as follows:

11 21-I:29-a Death Benefit for ~~[Police Officer or Firefighter]~~ **Employees** Killed in Line of Duty.

12 I. In this section:

13 (a) "Adult child" means a child, whether by blood or adoption, of the police officer,
14 firefighter, emergency medical technician, ~~[or]~~ rescue squad member, **or public works employee**
15 age 18 or older at the time of death of such police officer, firefighter, emergency medical technician,
16 ~~[or]~~ rescue squad member, **or public works employee** and who does not meet the definition of a
17 dependent child.

18 (b) "Dependent child" means a child, whether by blood or adoption, of the police officer,
19 firefighter, emergency medical technician, ~~[or]~~ rescue squad member, **or public works employee**
20 who:

21 (1) Is under the age of 25 and was dependent on the earnings of the police officer,
22 firefighter, emergency medical technician, ~~[or]~~ rescue squad member, **or public works employee** at
23 the time of death. For the purposes of this subparagraph, a child is not considered dependent if the
24 child provides more than half of his or her own support, is married, or is legally adopted by another;
25 or

26 (2) Is any age and is physically or mentally incapacitated and was dependent on the
27 earnings of the police officer, firefighter, emergency medical technician, ~~[or]~~ rescue squad member,
28 **or public works employee** at the time of death.

29 (c) "Family" means the surviving spouse of the police officer, firefighter, emergency
30 medical technician, ~~[or]~~ rescue squad member, **or public works employee** who was wholly or
31 partially dependent, in fact, upon the earnings of the police officer, firefighter, emergency medical
32 technician, rescue squad member, **or public works employee** or, if there is no surviving spouse, the

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1 surviving dependent child or dependent children, of such police officer [ø], firefighter, **emergency**
2 **medical technician, rescue squad member, or public works employee** or, if there is no
3 surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA
4 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or
5 if there is no surviving adult child or adult children, the surviving parent or parents of such police
6 officer, firefighter, emergency medical technician, [ø] rescue squad member, **or public works**
7 **employee**.

8 (d) "Emergency medical technician" means all levels of emergency medical technician,
9 including emergency medical responders, emergency medical technicians, advanced emergency
10 medical technicians, and paramedics, whether auxiliary, intermittent, special, part-time, volunteer,
11 call, or reserve, who is employed by a city, town, village district, or precinct within the state of New
12 Hampshire, or any emergency medical technician who is a volunteer for or employed by a nonprofit
13 corporation in New Hampshire, or any emergency medical technician employed by a New Hampshire
14 licensed private ambulance service while in the performance of emergency medical services pursuant
15 to RSA 153-A:2, VI either under contract or agreement with a city, town, village, or precinct.

16 (e) "Firefighter" means any firefighter, including auxiliary, intermittent, special, part-
17 time, volunteer, call, or reserve firefighters who are employed by a city, town, village district, or
18 precinct within the state of New Hampshire, any firefighter employed by the state of New
19 Hampshire, or any firefighter who is a volunteer for or employed by a non-profit corporation which is
20 the primary provider of fire protection for all or part of a New Hampshire municipality.

21 (f) "Killed in the line of duty" means a death of a police officer, firefighter, emergency
22 medical technician, [ø] rescue squad member, **or public works employee** while in the performance
23 of his or her duties as a result of incident, accident, or violence causing death or injuries which are
24 the direct or proximate cause of death. "Incident" shall include any death that is determined to be
25 occupationally related by the worker's compensation insurance carrier, a self-insured worker's
26 compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to
27 RSA 281-A.

28 (g) "Police officer" means any law enforcement officer with the power of arrest, including
29 auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies
30 who are employed by a city, town, village district, county, or precinct within the state of New
31 Hampshire, police officers employed by the university system of New Hampshire, court security
32 officers and bailiffs, and any state law enforcement officer employed by the state of New Hampshire
33 who has power of arrest as determined by state law.

34 (h) **"Public works employee" means any municipal or state public works or**
35 **highway employee who has the responsibility to work in hazardous locations, or as a first**
36 **responder, or in conjunction with emergency first responders in construction zones,**
37 **highway traffic areas, and other locations where the public works or highway employee is**

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1 *exposed to risk of injury or fatality from construction hazards, highway traffic volume and*
2 *speed, nighttime responses, environmental issues, weather, or other hazardous conditions.*

3 (i) "Rescue squad member" means any member of a rescue squad formed for the
4 purposes of responding to a state of emergency as declared by the governor or as part of a search and
5 rescue effort under the supervision of the fish and game department to recover a lost person.

6 II. In addition to any other benefits provided under this chapter, the state treasurer shall
7 pay a \$100,000 death benefit to the family of a police officer, firefighter, emergency medical
8 technician, ~~or~~ rescue squad member, **or public works employee** killed in the line of duty.
9 Payment to a dependent child under the age of 18 shall be made to the child's trustee for the benefit
10 of the child. The governor, with the consent of the executive council, is authorized to draw a warrant
11 for said sum out of any money in the treasury not otherwise appropriated.

12 III. The commissioner of safety, upon notice from the family or chief of department of any
13 firefighter, police officer, emergency medical technician, ~~or~~ rescue squad member, **or public works**
14 **employee** who may be entitled to a line-of-duty death benefit or upon the commissioner's own
15 initiative, shall obtain the available records related to the circumstances, cause, and manner of such
16 death and the decedent's status as a firefighter, police officer, emergency medical technician, ~~or~~
17 rescue squad member, **or public works employee** may cause further inquiry to be made, and shall
18 make a determination of whether the death qualifies as a line-of-duty death and who is entitled to
19 the death benefit. The determination shall be made within 180 days of the determination of the
20 cause and manner of death by the office of the chief medical examiner, or within 180 days from the
21 date the commissioner received notice from the family or chief of department of the firefighter, police
22 officer, emergency medical technician, ~~or~~ rescue squad member, **or public works employee**
23 whichever is later. For deaths that are not reviewed by the office of the chief medical examiner, the
24 determination shall be made within 180 days of a determination that the decedent qualifies for a
25 workers' compensation death benefit by a worker's compensation carrier, self-insured worker's
26 compensation plan, or the labor commissioner pursuant to RSA 281-A, or within 180 days from the
27 date the commissioner received notice from the family or chief of department of the firefighter, police
28 officer, emergency medical technician, ~~or~~ rescue squad member, **or public works employee**
29 whichever is later.

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AMENDED ANALYSIS

This bill establishes a state death benefit for a municipal or state public works employee killed in the line of duty. The bill also eliminates the offset for workers' compensation benefits applicable to group I accidental death benefit annuities in state retirement system.