

Floor Amendment to HB 185-FN

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

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3 AN ACT relative to the determination of parental rights and responsibilities based on shared
4 parenting, and disability pensions for public safety employees who are victims of
5 violence.
6

7 Amend the bill by replacing all after section 2 with the following:

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9 3 New Subparagraphs; Violent Accidental Disability Retirement Allowance. Amend RSA 100-
10 A:6, II by inserting after subparagraph (d) the following new subparagraphs:

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

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

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

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

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

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

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1 (3) If the board of trustees is unable to grant violent accidental disability retirement
2 benefits after review of medical and factual information submitted by the member and by a
3 physician designated by the board, then the member shall be entitled to a hearing before the board
4 in order to determine whether the member qualifies for disability retirement benefits. The hearing
5 before the board may be designated to a presiding officer. The presiding officer designated by the
6 board shall not be the same person who made an initial disability determination and
7 recommendation to the board based on the medical and factual information submitted by the
8 member and physician as stated above.

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

13 4 Retrospective Application for Benefit. Members who retired under accidental disability on or
14 after July 1, 2018 shall have 90 days from the effective date of this act to file application for violent
15 accidental disability benefits under section 1 of this act and, if approved, such members' benefit shall
16 be modified effective to the date of the application for violent accidental disability retirement
17 benefits.

18 5 Maximum Benefit Limitation; Reference Added. Amend RSA 100-A:6-a to read as follows:

19 100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter
20 to the contrary, for members who commenced service before July 1, 2009, or have attained vested
21 status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted
22 under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's
23 highest year of earnable compensation. For members who commenced service on or after July 1,
24 2009, and have not attained vested status prior to January 1, 2012, a member's maximum
25 retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the
26 lesser of 85 percent of the member's average final compensation or \$120,000. Nothing in this section
27 shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and
28 (c) **or RSA 100-A:6, II(e) and (f)**. This provision shall not limit the application of supplemental
29 allowances.

30 6 Disability Retirement Benefits. Amend RSA 100-A:6, III(b)(4) to read as follows:

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

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1 7 Benefits Upon Member's Death After Retirement - Group II Members. Amend RSA 100-A:12,
2 II to read as follows:

3 II. Upon the death of a group II member who has retired on or after April 1, 1987, or upon
4 the death of a group II member who has filed an application for retirement benefits with the board of
5 trustees after January 1, 1991, there shall be paid to the person nominated by the member by
6 written designation filed with the board, if living, otherwise to the retired member's estate, in
7 addition to the amount payable under RSA 100-A:11 a lump sum of \$3,600 if the member retired
8 before July 1, 1988, and if the member is married on the date of such member's retirement, there
9 shall be paid to such surviving spouse an allowance to continue until the spouse's death or
10 remarriage equal to 50 percent of the member's service, ordinary disability, ~~or~~ accidental disability,
11 ***or violent accidental disability*** retirement allowance payments. For any person who is a group II
12 member as of June 30, 1988, and who retires on or after July 1, 1988, the lump sum payment shall
13 be \$10,000. For any person who becomes a member of group II on or after July 1, 1988, and on or
14 prior to July 1, 1993, the lump sum payment shall be \$3,600. It is the intent of the legislature that
15 future group II members shall be included only if the total cost of such inclusion can be terminally
16 funded.

17 8 New Subparagraph; New Hampshire Retirement System; Medical Benefits; Payment by
18 Retirement System; Group II. Amend RSA 100-A:52, I by inserting after subparagraph (g) the
19 following new subparagraph:

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

22 9 New Hampshire Retirement System; Medical Benefits; Payment by Retirement System;
23 Group II. Amend RSA 100-A:52, II to read as follows:

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

29 ***(b) Notwithstanding subparagraph (a), for the fiscal year beginning July 1,***
30 ***2024, the maximum amount payable by the retirement system under this subdivision on***
31 ***account of each person qualified under subparagraph I(h) as result of a violent accidental***
32 ***disability who is not entitled to Medicare benefits, shall be \$1,000 per month, and on***
33 ***account of each person qualified under subparagraph I(h) who is entitled to Medicare***
34 ***benefits, shall be \$630.63 per month. The rate payable under this paragraph shall not be***
35 ***increased.***

36 10 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I
37 to read as follows:

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1 I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are
2 active or retired members of group II as of June 30, 2000; to persons who prior to July 1, 1988, had
3 completed no less than 20 years of group II creditable service, but who for reasons other than
4 retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of
5 July 1, 1993, are eligible for vested deferred retirement benefits; ~~and~~ to persons who are group II
6 permanent policemen or permanent firemen members on disability retirement as the natural and
7 proximate result of injuries suffered while in the performance of duty who become permanent
8 policemen members of group II before July 1, 2005 or permanent firemen members of group II before
9 July 1, 2005; **and to persons who are group II permanent policemen or permanent firemen**
10 **members retired under a violent accidental disability**. Such additional benefits shall not apply
11 to other persons who become members of group II after the dates stated in this paragraph, without
12 future legislation to include them. It is the intent of the legislature that future group II members
13 shall be included only if the total cost of such inclusion can be terminally funded.

14 11 Medical Insurance Benefits; Retired Group II Employees. Amend RSA 21-I:30, VII(b) to read
15 as follows:

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

19 12 Effective Date.

20 I. Sections 1 - 2 of this act shall take effect January 1, 2025.

21 II. The remainder of this act shall take effect July 1, 2024.

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2024-2141s

AMENDED ANALYSIS

This bill provides that it is a state policy to support approximately equal parenting time between a child and parent unless such an arrangement is clearly detrimental to the child. The bill also provides that if the court concludes that approximately equal parenting time is not in the best interest of the child, the court shall make findings supporting its order.

The bill further establishes a retirement system benefit for group II members who retire due to a violent act injury.