

# Bill as Introduced

SB 166 - AS INTRODUCED

2011 SESSION

11-1046

10/01

SENATE BILL **166**

AN ACT relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Lambert, Dist 13; Rep. Baldasaro, Rock 3; Rep. Tamburello, Rock 3; Rep. Introne, Rock 3

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill requires that the premium payments for medical and surgical benefits for the surviving spouse and dependent children of a police officer or firefighter killed in the line of duty shall not be reduced.

.....

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT                   relative to medical benefits for beneficiaries of a police officer or firefighter killed  
in the line of duty.

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

1           1 New Paragraph; Additional Medical Benefits; Surviving Spouse; Group II Member Killed in  
2 Line of Duty. Amend RSA 21-I:30-a by inserting after paragraph IV the following new paragraph:

3           IV-a. The payment of the premium under paragraph I for the surviving spouse and  
4 dependent children of a police officer or firefighter killed in the line of duty, as determined under  
5 RSA 21-I:29-a, shall be for the full amount of the premium for such medical and surgical benefits,  
6 and shall not be reduced by the application of a maximum benefit limitation or any premium  
7 contribution amount applicable to other retirees or surviving spouses and dependent children of  
8 retirement system members.

9           2 Effective Date. This act shall take effect 60 days after its passage.

SB 166 - AS AMENDED BY THE HOUSE

1June2011... 2174h

2011 SESSION

11-1046

10/01

SENATE BILL **166**

AN ACT relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

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4 dependent children of a police officer or firefighter killed in the line of duty, as determined under  
5 RSA 21-I:29-a, shall be for the full amount of the premium for such medical and surgical benefits,  
6 and shall not be reduced by the application of a maximum benefit limitation or any premium  
7 contribution amount applicable to other retirees or surviving spouses and dependent children of  
8 retirement system members.

9           2 Effective Date. This act shall take effect upon its passage.

CHAPTER 239  
SB 166 - FINAL VERSION

1June2011... 2174h  
06/22/11 2471CofC

2011 SESSION

11-1046  
10/01

SENATE BILL **166**

AN ACT relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

SPONSORS: Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Lambert, Dist 13; Rep. Baldasaro, Rock 3; Rep. Tamburello, Rock 3; Rep. Introne, Rock 3

COMMITTEE: Executive Departments and Administration

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AMENDED ANALYSIS

This bill provides for payment of the premium for medical benefits for surviving spouses and dependent children of a police officer or firefighter killed in the line of duty.

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CHAPTER 239  
SB 166 – FINAL VERSION

1June2011... 2174h  
06/22/11 2471CofC

11-1046  
10/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT                   relative to medical benefits for beneficiaries of a police officer or firefighter killed  
in the line of duty.

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

1           239:1 Findings and Purpose. The legislature finds that, through no fault of their own, certain  
2 persons entitled to benefits as surviving spouses and dependents of group II members killed in the  
3 line of duty have been provided with incorrect information concerning the benefits to which they are  
4 entitled over an extended period of time. Such persons have relied in good faith upon this incorrect  
5 information and have ordered their lives accordingly. In order to avoid the unfairness that would  
6 occur if these errors were retrospectively corrected, the state of New Hampshire will provide such  
7 persons in this position with the benefits that they were promised.

8           239:2 Additional Medical Benefits; Surviving Spouse and Dependents; Group II Member Killed  
9 in Line of Duty. On the effective date of this act, if the premium payment under RSA 100-A:52 and  
10 RSA 21-I:30-a for the surviving spouse and dependent children of a police officer or firefighter killed  
11 in the line of duty, as determined under RSA 21-I:29-a, is not for the full amount of the premium for  
12 eligible medical and surgical benefits, and the local political subdivision has elected not to pay the  
13 excess cost of the premium for such medical and surgical benefits, the state shall pay the difference  
14 between the amount paid by the local political subdivision and the amount under RSA 21-I:30-a, I, so  
15 that the benefit is not reduced by the application of any benefit limitation or premium contribution  
16 for such surviving spouses and dependent children.

17           239:3 Application. Nothing in this act shall authorize or require the state to pay for any  
18 premium for eligible medical and surgical benefits that was being paid for by the local political  
19 subdivision on January 1, 2011.

20           239:4 Effective Date. This act shall take effect upon its passage.

21 Approved: July 5, 2011

22 Effective Date: July 5, 2011

# Committee Minutes



**SENATE CALENDAR NOTICE  
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

- ✓ Senator Sharon Carson Chairman
- ✓ Senator Fenton Groen V Chairman
- ✓ Senator Sylvia Larsen
- ✓ Senator Jim Luther
- Senator Raymond White

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: March 2, 2011**

**HEARINGS**

**Thursday**

**3/17/2011**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SH 100**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

9:00 AM	SB190	relative to the duties and membership of the executive branch ethics committee.
9:20 AM	SB166	relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.
9:40 AM	SB92	establishing an economic strategic commission to review the relationship between business and government.
10:20 AM	SB4	requiring legislative approval of cost items for state employee contract negotiations.

**Sponsors:**

**SB190**

Sen. Lou D'Allesandro

**SB166**

Sen. Sharon Carson  
Rep. Alfred Baldasaro

**SB92**

Sen. Andy Sanborn  
Rep. Neal Kurk  
Sen. Jeb Bradley  
Sen. Jim Luther

**SB4**

Sen. Jeb Bradley  
Rep. Gene Chandler

Sen. Lou D'Allesandro  
Rep. Daniel Tamburello

Rep. William O'Brien  
Sen. James Forsythe  
Sen. Fenton Groen

Sen. Peter Bragdon

Sen. Jeb Bradley  
Rep. Robert Introne

Rep. David Bettencourt  
Rep. Dan McGuire  
Sen. Tom De Blois

Rep. William O'Brien

Sen. Gary Lambert

Rep. Thomas Keane  
Sen. Raymond White  
Sen. Peter Bragdon

Rep. David Bettencourt

# Executive Dept. and Administration Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Deb Chroniak, Legislative Aide

**RE:** Hearing report on SB 166 – **relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.**

**HEARING DATE:** March 17, 2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senator Sharon Carson, Dist 14; Senator Fenton Groen, Dist 6; Senator Sylvia Larsen, Dist 15; Senator Jim Luther, Dist 12

**MEMBERS OF THE COMMITTEE ABSENT:** Senator Ray White, Dist 9

**Sponsor(s):** Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Lambert, Dist 13; Rep. Baldasaro, Rock 3; Rep. Tamburello, Rock 3; Rep. Introne, Rock 3

**What the bill does:** This bill requires that the premium payments for medical and surgical benefits for the surviving spouse and dependent children of a police officer or firefighter killed in the line of duty shall not be reduced.

**Who supports the bill:** Senator Sharon Carson; Doug Patch, New Hampshire Association of Fire Chiefs; Rep. Al Baldasaro, Rock. Dist. 3; Patricia Kelly, Self; Bob Blaisdell, New Hampshire Troopers and New Hampshire Police Association; Jay Ward, SEA.

**Who opposes the bill:** No one.

Hearing opened at 9:20 a.m.

### **Summary of testimony received:**

- Senator Luther opened the hearing on SB 166 by calling on the bills prime sponsor.

- Senator Sharon Carson stated that this legislation was brought forward because of an incident that happened to a constituent a few years back, which caused lost benefits for a surviving spouse of a police officer who was killed in the line of duty. The incident related to medical premium payments for the beneficiaries which was due to a change in legislation (HB 1645) within the pension system.
- Senator Carson brought this legislation forward in an attempt to rectify the situation created by HB 1645.
- Ms. Patricia Kelley from Londonderry, New Hampshire then testified. Ms. Kelley's husband was a police officer in Derry, New Hampshire. He died suddenly in the line of duty on September 17, 1989 at age 35. He had served about 10 years on the force.
- Shortly after her husband's death, Ms. Kelly received a letter from the New Hampshire Retirement System stating that they would be paying health benefits in full from their subsidy account. This payment continued, unchanged, for over 20 years.
- On February 3, 2010, everything changed. Ms. Kelley received a certified letter from the New Hampshire Retirement System stating that starting the following month Ms. Kelley would be required to pay medical subsidies out of the pension which she presently was receiving.
- Four months later, on July 1<sup>st</sup>, without notice, another \$400 was taken out for the medical subsidy account. So, essentially, what was previously a monthly pension of \$2,900 was now \$1,300. The letter which she received also stated that, in addition to the pension being reduced by a \$1,000 per month that she could be responsible for all the subsidy arrears, which would have totaled approximately \$90,000.
- Ms. Kelley stated that this obviously caused emotional and financial distress. She was fortunate enough to receive more hours at work, although there are going to be layoffs, and beginning in September, she will be going back to part-time work.
- Ms. Kelley was caught up in this because of the House Bill which passed, but this bill was passed after she was told that her medical subsidies would be paid in full. She thanked the Committee for listening.
- There were no questions from Committee members.
- Senator Luther read into record that Senator Carson, spoke, and was in favor; Patricia Kelly spoke, and was in favor; Doug Patch from NH

Association of Fire Chiefs, in favor, but not speaking. Also, Representative Al Baldasaro, in favor, and wanted to speak, but not in attendance.

- Jay Ward then spoke representing the State Employees Association. He thanked the sponsors of the bill, and also thought it was an important bill to bring back the original intent of the health insurance for the spouse of an officer or safety officer killed in the line of duty. Mr. Ward asked the Committee to look favorably upon this bill.

Senator Luther closed the hearing at 9:28 a.m.

**Funding:** Not applicable.

**Future Action:** Pending.

DAC

[file: SB 166 report]  
Date: March 18, 2011

# Speakers





# Testimony



#1  
COPY

Testimony and Statement for the Record

Hearing on

SB 166:

“Relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.”

Before the

Executive Departments and Administration Committee

NH Senate

Honorable Chairman – Sharon M. Carson

March 17, 2011

My name is Patricia Kelley, the wife of Thomas Kelly - a Derry New Hampshire police officer who died in the line of duty on September 17, 1989. First, I want to offer my deep appreciation to Senator Carson, Senator D'Allesandro and Senator Bradley, and all the legislators who sponsored this bill.

Tom was a Sergeant with the Derry Police Department, having served ten years on the force at the time of his death at the age of 35. When Tom died, now over twenty years ago, I was pregnant with our second child and my son was not yet 2 years old. Soon after Tom passed away, I was notified by the New Hampshire Retirement System of the benefits my family would receive as the result of Tom giving his life in the course of his duties as a police officer. I was notified, in writing, that these benefits would include health insurance and that "the total premium will be paid through the subsidy account due to [the] benefit being paid under an accidental death".

I am truly thankful that this fully paid health insurance covered my family for over twenty years following Tom's death.

However, in February of 2010 I received a certified letter from the retirement system. This letter (and subsequent notices) notified me that I owed the retirement system over \$90,000.00 dollars

and that the pension Tom had most dearly earned would be reduced by nearly one thousand dollars a month - a reduction of about one third. I am advised that this reduction was made because of a retirement system law passed following Tom's death that placed a cap on these benefits for surviving families of Group II members killed in the line of duty. I remain confused as to how that law could apply to Tom's situation when the law in place at the time of his death contained no such cap.

The reduction in Tom's pension has dramatically affected my family and has even caused me to make the painful decision to drop one of my children from my health insurance coverage. I hope and pray that the intent of SB 166 is that it would apply to Tom and that the reduction in his pension for our family will no longer apply and that the pension and health benefit promised to me when Tom died is restored.

Thank you again for thinking of Tom and all those brave police officers and firefighters who have paid the ultimate sacrifice.

Respectfully Submitted,  
Patricia Kelley

NEW HAMPSHIRE RETIREMENT SYSTEM

FEB 12 2010

HARRY M. DESCOTEAU  
Executive Secretary



The Granite State

MAURICE L. DANEALT  
Assistant Executive Secretary

Mr. Eric P. Bernard  
Wiggin & Nourie  
Counsellors at Law  
P.O. Box 808  
Manchester, NH 03105

June 19, 1990

RE: ESTATE OF THOMAS C. KELLY

Dear Mr. Bernard:

As per our recent telephone conversation, Mrs. Kelly will be receiving a preliminary monthly benefit of \$1,595.33 per month from the New Hampshire Retirement System.

She is also entitled to paid health insurance coverage for herself and any dependent children. At this time, she is being covered under a two-person coverage (spouse and dependent child) at a premium rate of \$292.01. Up until April 28, 1990, she is responsible for \$146.00 of the total premium with the health insurance subsidy paying the remaining cost. After April 28, 1990, the total premium will be paid through the subsidy account due to her benefit being paid under an accidental death. Once we have received the new authorization form including the second child, the premium rate will be \$394.21.

Mrs. Kelly has also received a lump sum distribution of contributions and interest which her husband had contributed to the New Hampshire Retirement System. The total amount of contributions Mr. Kelly had in the system was \$29,663.27 (\$21,184.22 representing contributions and \$8,479.05 being the interest portion). Taxes were withheld at \$1,298.82 with \$22,213.45 of the total amount being taxable. Therefore, she received a check in the amount of \$28,364.45.

If you should have any further questions, please feel free to contact me.

Sincerely,

*Tammy L. Eccard*

Tammy L. Eccard  
Retirement Counselor

TLE

54 REGIONAL DRIVE, CONCORD, NEW HAMPSHIRE 03301-8507  
cc: Mrs. Patricia TELEPHONE 271-3351 OFFICE HOURS 8:00-4:00  
Maher-Kelly TTY/TDD 1-800-992-3312 or 225-4035  
Relay Service for Deaf/Speech Impaired



# NHRS

New Hampshire Retirement System

CERTIFIED MAIL

February 3, 2010

PATRICIA L MAHER-KELLY  
6 O'CONNELL DRIVE  
LONDONDERRY NH 03053-2431

Dear Ms. Maher-Kelley:

The NH Retirement System (NHRS) routinely audits the records and files of retirees and other beneficiaries receiving the medical subsidy benefit pursuant to NH RSA 100-A. Our review of your administrative file confirmed your continuing eligibility for a 3-person medical subsidy pursuant to RSA 100-A:52, I(d), and RSA 100-A:52, II, due to the duty related death of your late husband, Thomas Kelly, as a Derry police officer.

The Local Government Center (LGC) recently informed NHRS that the premium for the medical insurance covering you and your two dependent children has increased to \$2,123.44 per month. In accordance with the aforementioned statutory provisions, the amount of the medical subsidy payable on your behalf is \$1,126.68 per month, determined by multiplying the current applicable rate for a one-person medical subsidy (\$375.56) by three persons (yourself plus two dependents) covered by the medical plan, not to exceed the total plan premium for the medical subsidy eligible individuals (\$2,123.44). After subtracting the medical subsidy payable on your behalf (\$1,126.68) from the current medical insurance premium (\$2,123.44), the balance due is \$996.76 per month, which will be deducted from your monthly pension benefit and forwarded to LGC commencing with your February 2010 benefit payment.

If you are aggrieved by this determination relative to the amount of the medical subsidy payable on your behalf, you may request a hearing within 45 days of the date of this letter pursuant to administrative rule Ret. 204.01(b). The request must be addressed to Attorney Carolyn Johnson, NHRS Hearings Examiner, and be in compliance with the items listed in the enclosed copy of administrative rule Ret. 203.01.

Please be advised that NHRS is reviewing medical subsidy payments made on your behalf for periods prior to the most recent medical insurance premium increase. NHRS will notify you of its findings upon completion of that review.

If you should have any questions, please feel free to contact me.

Sincerely,

Denise M. Call  
Director, NHRS Employer Services

Enclosure

cc: Local Government Center

#2



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February 3, 2010

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If you should have any questions, please feel free to contact me.

Sincerely,

Denise M. Call  
Director, NHRS Employer Services

Enclosure

cc: Local Government Center

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: March 24, 2011

THE COMMITTEE ON Executive Departments and Administration

to which was referred Senate Bill 166

AN ACT                      relative to medical benefits for beneficiaries of a police  
   officer or firefighter killed in the line of duty.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:    5-0

AMENDMENT #        s

Senator Jim Luther  
For the Committee

Deb Chroniak 271-1403

## New Hampshire General Court - Bill Status System

**Docket of SB166**

Docket Abbreviations

**Bill Title:** relative to medical benefits for beneficiaries of a police officer or firefighter killed in the line of duty.

*Official Docket of SB166:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
2/3/2011	S	Introduced and Referred to Executive Departments and Administration, <b>SJ 5</b> , Pg.46
3/2/2011	S	Hearing: 3/17/11, Room 100, State House, 9:20 a.m.; <b>SC14</b>
3/24/2011	S	Committee Report: Ought to Pass, 3/30/11; <b>SC17</b>
3/30/2011	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 11</b> , Pg.214
3/30/2011	S	Passed by Third Reading Resolution; <b>SJ 11</b> , Pg.240
3/31/2011	H	Introduced and Referred to Executive Departments and Administration; <b>HJ 35</b> , PG.1241
4/5/2011	H	Public Hearing: 4/19/2011 10:45 AM LOB 306
4/5/2011	H	==CANCELLED== Executive Session: 4/19/2011 1:15 PM LOB 306
4/20/2011	H	==CANCELLED== Executive Session: 4/26/2011 1:15 PM LOB 307
5/6/2011	H	=CANCELLED= Executive Session: 5/17/2011 10:30 AM LOB 306
5/18/2011	H	Executive Session: 5/25/2011 LOB 306 1:30 PM or 15 Minutes After House Session
5/26/2011	H	Committee Report: Ought to Pass with Amendment #2174h for June 1 (Vote 14-0; CC); <b>HC 43</b> , PG.1496
5/26/2011	H	Proposed Committee Amendment <b>#2011-2174h</b> ; <b>HC 43</b> , PG.1521
6/1/2011	H	Amendment #2174h Adopted, VV; <b>HJ 48</b> , PG.1629
6/1/2011	H	Ought to Pass with Amendment #2174h: MA VV; <b>HJ 48</b> , PG.1629
6/8/2011	S	Sen. Carson Moved Nonconcur with House Amendment 2174h; Requests C of C, MA, VV; <b>SJ 20</b> , Pg.549
6/8/2011	S	President Appoints: Senators Carson, Luther and Larsen; <b>SJ 20</b> , Pg.549
6/8/2011	H	House Accedes to Senate Request for C of C (Rep C.McGuire): MA VV; <b>HJ 51</b> , PG.1723
6/8/2011	H	Speaker Appoints: Reps C.McGuire, Hawkins, Winter, and D.Sullivan; <b>HJ 51</b> , PG.1723
6/9/2011	S	Committee of Conference Meeting: 6/14/2011, 10:00 a.m., Room 100, State House
6/16/2011	H	Conference Committee Report <b>#2011-2471c</b> , House AM + New AM, Filed; <b>HC 49</b> , PG.1675
6/22/2011	H	Conference Committee Report #2471c Adopted, VV
6/22/2011	S	Conference Committee Report 2471c; Adopted, VV
6/22/2011	H	Enrolled
6/22/2011	S	Enrolled
7/5/2011	S	Signed by the Governor on 07/05/2011; Effective 07/05/2011; Chapter 0239

NH House

NH Senate



# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB 166 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING  
#1 #2 Testimony
- SIGN-UP SHEET(S)

**ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:**

\_\_\_\_ - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

**ALL AVAILABLE VERSIONS OF THE BILL:**

AS INTRODUCED  AS AMENDED BY THE HOUSE  
 FINAL VERSION  AS AMENDED BY THE SENATE

\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

7-27-11

By:

[Signature]  
COMMITTEE AIDE