Bill as Introduced

HB 468-FN-LOCAL - AS AMENDED BY THE HOUSE

19Mar2019... 0888h

2019 SESSION

19-0733 10/04

HOUSE BILL

468-FN-LOCAL

AN ACT

relative to the inclusion of attendance stipends as earnable compensation in the

retirement system.

SPONSORS:

Rep. P. Schmidt, Straf. 19

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system.

·

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0733 10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

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

- 1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year.
- 2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:
- (a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days

HB 468-FN-LOCAL - AS AMENDED BY THE HOUSE - Page 2 -

after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

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

HB 468-FN-LOCAL- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2019-0888h)

AN ACT

relative to the inclusion of attendance stipends as earnable compensation in the

retirement system.

FISCAL IMPACT:

[] State

[] County

[X]Lòcal

[] None

	Estimated Increase / (Decrease)				
LOCAL:	FY 2020	FY 2021	FY 2022	FY 2023	
Appropriation	\$0	\$0	\$0	\$0	
Revenue	\$0	\$0	- \$0	\$0	
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	

METHODOLOGY:

This bill adds annual attendance stipends or bonus paid to full-time teachers and full-time paraprofessionals or educational support personnel as a type of earnable compensation to be included for New Hampshire Retirement System reporting purposes. The New Hampshire Retirement System is unable determine the scope of impacted employers, members, and dollars impacted by this bill. Therefore, this bill will increase local government employer retirement expenditures by an indeterminable amount.

AGENCIES CONTACTED:

New Hampshire Retirement System

HB 468-FN-LOCAL - AS AMENDED BY THE SENATE

19Mar2019... 0888h 05/23/2019 2040s

2019 SESSION

19-0733 10/04

HOUSE BILL

468-FN-LOCAL

AN ACT

relative to the inclusion of attendance stipends and certain additional pay for

instructional activities as earnable compensation in the retirement system.

SPONSORS:

Rep. P. Schmidt, Straf. 19

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system. The bill also provides that certain additional pay for full-time faculty of the community college system shall be included as earnable compensation in the retirement system.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19Mar2019... 0888h 05/23/2019 2040s

19-0733 10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT

1

2

3

4

5

6

7

8 9

10 11

12

13

14

15

16 17

18

19

20

21

22 23

24

25

26

27

28

29

relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

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

- 1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year, and to include certain additional pay for instructional activities of full-time community college system faculty.
- 2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus; Community College System Faculty. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:
- (a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended,

HB 468-FN-LOCAL - AS AMENDED BY THE SENATE - Page 2 -

shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

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

HB 468-FN-LOCAL- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2019-2040s)

AN ACT

relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

FISCAL IMPACT:

[X] State

[] County

[X] Local

[] None

	Estimated Increase / (Decrease)				
STATE:	FY 2020	FY 2021	FY 2022	FY 2023	
Appropriation	\$0	\$0	\$0_	\$0	
Revenue	\$0	\$0	\$0	\$0	
E	Indeterminable	Indeterminable	Indeterminable	Indeterminable	
Expenditures	Increase	Increase	Increase	Increase	
Funding Source:	X General	[] Education -	[] Highway	[] Other	

LOCAL:

Revenue	\$0	\$0	\$0	\$0_
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
	Increase	Increase	Increase	Increase

METHODOLOGY:

This bill adds annual attendance stipends or bonus paid to full-time teachers and full-time paraprofessionals or educational support personnel and additional pay for instructional activities of full-time faculty of the community college system as a type of earnable compensation to be included for New Hampshire Retirement System reporting purposes. The New Hampshire Retirement System is unable determine the scope of impacted employers, members, and dollars impacted by this bill. Therefore, this bill will increase employer retirement expenditures by an indeterminable amount.

AGENCIES CONTACTED:

New Hampshire Retirement System

HB 468-FN-LOCAL FISCAL NOTE AS AMENDED BY THE SENATE (AMENDMENT #2019-2040s)

AN ACT

relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

FISCAL IMPACT:

[X] State

[] County

[X] Local

[] None

	Estimated Increase / (Decrease)				
STATE:	FY 2020	FY 2021	FY 2022	FY 2023	
Appropriation	. \$0	\$0	\$0	\$0	
Revenue	\$0	\$0	\$0	\$0	
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	
Funding Source:	[X] General	[] Education	[] Highway	[] Other	

LOCAL:

Revenue	\$0	\$0	\$0_	\$0
E-mandituma	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Increase	Increase	Increase	Increase

METHODOLOGY:

This bill adds annual attendance stipends or bonus paid to full-time teachers and full-time paraprofessionals or educational support personnel and additional pay for instructional activities of full-time faculty of the community college system as a type of earnable compensation to be included for New Hampshire Retirement System reporting purposes. The New Hampshire Retirement System is unable determine the scope of impacted employers, members, and dollars impacted by this bill. Therefore, this bill will increase employer retirement expenditures by an indeterminable amount.

AGENCIES CONTACTED:

New Hampshire Retirement System

CHAPTER 214 HB 468-FN-LOCAL - FINAL VERSION

19Mar2019... 0888h 05/23/2019 2040s

2019 SESSION

19-0733 10/04

HOUSE BILL

468-FN-LOCAL

AN ACT

relative to the inclusion of attendance stipends and certain additional pay for

instructional activities as earnable compensation in the retirement system.

SPONSORS:

Rep. P. Schmidt, Straf. 19

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system. The bill also provides that certain additional pay for full-time faculty of the community college system shall be included as earnable compensation in the retirement system.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 214 HB 468-FN-LOCAL - FINAL VERSION

19Mar2019... 0888h 05/23/2019 2040s

19-0733 10/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT

>

1

2

3

4

5

6 7

8

9 10

11

12

13

14

15

16

17

18

19

20

21

22 23

2425

26

2728

29

relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

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

214:1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year, and to include certain additional pay for instructional activities of full-time community college system faculty.

214:2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus; Community College System Faculty. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:

(a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension

CHAPTER 214 HB 468-FN-LOCAL - FINAL VERSION - Page 2 -

plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

214:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 12, 2019

Effective Date: September 10, 2019

Amendments

19265

Sen. Cavanaugh, Dist 16 May 13, 2019 2019-1926s 10/01

Cars-Rose artico A

OTPH

Amendment to HB 468-FN-LOCAL

Cavs-Rose 3-2 (carson / Reg) Cans

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

1 2 3

relative to the inclusion of attendance stipends and certain additional pay for AN ACT instructional activities as earnable compensation in the retirement system.

4 5 6

Amend the bill by replacing sections 1 and 2 with the following:

7 8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

254

26

27

28

29

30

31

32

33

1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year, and to include certain additional pay for instructional activities of full-time community college system faculty.

- Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus; Community College System Faculty. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:
- (a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer

Amendment to HB 468-FN-LOCAL - Page 2 -

contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement_eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member of retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

2019-1926s

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system. The bill also provides that certain additional pay for full-time faculty of the community college system shall be included as earnable compensation in the retirement system.



Senate Executive Departments and Administration May 16, 2019 2019-2040s 10/06

Amendment to HB 468-FN-LOCAL

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

1 2 3

AN ACT relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

4 5 6

Amend the bill by replacing sections 1 and 2 with the following:

7 8

9

10

11 12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

- 1 Intent. The general court intends that this act revise the definition of earnable compensation for the New Hampshire retirement system to include annual cash payments in the form of an attendance stipend or bonus paid pursuant to a collective bargaining agreement, personnel policy, or other agreement applicable to substantially all employees, the amount of which is determined by reference to the amount of sick days an employee used in the calendar or fiscal year, and to include certain additional pay for instructional activities of full-time community college system faculty.
- 2 Retirement System; Earnable Compensation; Annual Attendance Stipend or Bonus; Community College System Faculty. Amend RSA 100-A:1, XVII(a) and (b)(1) to read as follows:
- (a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer

Amendment to HB 468-FN-LOCAL - Page 2 -

contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

Amendment to HB 468-FN-LOCAL - Page 3 -

2019-2040s

AMENDED ANALYSIS

This bill includes attendance stipends or bonuses paid as earnable compensation in the New Hampshire retirement system. The bill also provides that certain additional pay for full-time faculty of the community college system shall be included as earnable compensation in the retirement system.

Committee Minutes

SENATE CALENDAR NOTICE Executive Departments and Administration

Sen Sharon Carson, Chair Sen Kevin Cavanaugh, Vice Chair Sen Cindy Rosenwald, Member Sen Shannon Chandley, Member Sen John Reagan, Member

Date: April 2, 2019

HEARINGS

Wednesday		04/10/2	2019		
	(Day)		(Date)		
Executive Departments and Administration		LOB 101	9:00 a.m.		
(Name of Committee)			(Place)	(Time)	
		relative to the cost retirement system.	of fiscal analysis of legisla	ation relating to the	
9:15 a.m.	HB 468-FN-LOCAL		asion of attendance stipen e retirement system.	ids as earnable	
			g emergency medical technicians and rescue squad members e for a death benefit if killed in the line of duty.		
9:45 a.m.	HB 730-FN-A	relative to funding	for the CART program.		
10:00 a.m.	HB 628-FN	relative to universe accommodation.	al changing stations in ce	rtain places of public	
10:15 a.m.	HB 520	relative to availabi restrooms.	lity of diaper changing st	ations in public	
10:30 a.m.	HB 572	proclaiming the se New Hampshire R	cond Saturday in June as ecognition Day.	Pollyanna of Littleton	

EXECUTIVE SESSION MAY FOLLOW

<u>Sponsors</u> :			
HB 110-FN-A			
Rep. Rogers			
HB 468-FN-LOCAL			
Rep. P. Schmidt			
HB 224-FN	ì		
Rep. Proulx			
HB 730-FN-A			
Rep. Porter			
HB 628-FN			
Rep. Le	Rep. McBeath	Rep. Chase	Rep. Berch
HB 520	-	•	
Rep. Fenton	Rep. Gourgue	Rep. Conley	Rep. Von Plinsky
Rep. Kanzler	Rep. Read	Rep. Altschiller	Rep. Josephson
Rep. Frost	Rep. Wilhelm	Sen. Rosenwald	Sen. Kahn
Sen. Feltes			

HB 572 Rep. Massimilla

Rep. Hennessey

Jennifer Horgan 271-2609

Sharon M Carson Chairman

Senate Executive Departments and Administration Committee

Jennifer Horgan 271-2609

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

Hearing Date:

April 10, 2019

Time Opened:

9:15 a.m.

Time Closed:

9:20 a.m.

Members of the Committee Present: Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

Members of the Committee Absent: None

Bill Analysis:

This bill includes attendance stipends or bonuses paid as earnable

compensation in the New Hampshire retirement system.

Sponsors:

Rep. P. Schmidt

Who supports the bill: Dario Scalco, Professional Firefighters of NH; Jeanne Torpey; Jay Ward, SEA; Representative Dianne Schuett;

Who opposes the bill: No one

Who is neutral on the bill: Marty Karlon, New Hampshire Retirement System

Summary of testimony presented in support:

Representative Mark Proulx introduced the legislation on behalf of the prime sponsor who was unable to be present. He explained that the bill allows teachers who get an attendance stipend to have it counted as earned compensation for retirement. This benefits teachers who have unused sick time and remain present in the classroom.

The NH Retirement System Coalition presented written testimony in support but did not testify.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Marty Karlon, Public Information Officer for the NH Retirement System, testified that they are not taking a position on the legislation. He said that there are a number of pay types that fall outside of regular pay and that this includes a number of member groups, not just teachers. This would be prospective legislation and include only moneys earned following the adoption. The intent by putting this into session law is to be clear that it would be an annual bonus. He clarified that this is not a loophole to try to give someone a larger retirement bonus. This legislation puts "bumpers" on how it would work for reporting.

sfd Date Hearing Report completed: April 10, 2019

Speakers

Senate Executive Departments & Administration Committee SIGN-IN SHEET

Date: 04/10/2019 Time: 9:15 a.m.

HB 468-FN- AN ACT relative to the inclusion of attendance stipends as earnable

LOCAL compensation in the retirement system.

Name/I	Representing	g (please print neatly)					
REP		SCHUETT	Support	Oppose	Speaking?	Yes	No.
			Súpport	Oppose	Speaking?	Yes	No
		. 43	Support	Oppose	Speaking?	Yes	No □
			Support	Oppose	Speaking?	Yes	No _
			Support	Oppose	Speaking?	Yes	No
			Support \Box	Oppose	Speaking?	Yes	No
			Support .	Oppose	Speaking?	Yes	No □
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
		·	Support	Oppose	Speaking?	Yes	No □
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No
			Support	Oppose	Speaking?	Yes	No □
			Support	Oppose	Speaking?	Yes	No

Senate Executive Departments & Administration Committee SIGN-IN SHEET

Date: 04/10/2019 Time: 9:15 a.m.

HB 468-FN- AN ACT relative to the inclusion of attendance stipends as earnable

LOCAL compensation in the retirement system.

Name/Representing (please print neatly)					
Dario Scalco Professional Francy Wers of NH	Support	Oppose	Speaking?	Yes	No ☐
- MART KARLON, NHRS	Support	Oppose	Speaking?	Yes	No
Jeanne Torres Concord self	Support	Oppose	Speaking?	Yes	No
Jeanne Torpey Concord self JAY WARD SEA	Support	Oppose	Speaking?	Yes	No V
	Support	Oppose	Speaking?	Yes	No □
	Support	Oppose	Speaking?	Yes	No □
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No □
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No □
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	· No

Testimony



Executive Departments and Administration Committee New Hampshire Senate Legislative Office Building Rm 101 Concord, NH 03301

April 10, 2019

Re: HB468-FN: relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

Dear Chairwoman Carson and Committee Members,

As the partners of the New Hampshire Retirement Security Coalition who together represent nearly 78,000 active and retired public employees in New Hampshire, we submit this written testimony in support of HB 468-FN. This bill as amended by the NH House of Representatives includes into the definition of earnable compensation under RSA100-A:1XVII(a) annual attendance stipend or bonus for all employee groups.

These types of stipends are provided on an employer by employer basis written into collective bargaining agreements and are given in lieu of unused sick or vacation days. Paying these stipends has been a long-term standing practice for many communities and had been included in the definition of earnable compensation until the words "other compensation" were removed from the definition of earnable compensation in 2008 under HB1645.

Both employees and employers would pay the respective amount and therefore there would be no fiscal impact to the retirement system.

Therefore, we urge the committee to recommend HB 468-FN Ought to Pass to the full Senate.

Sincerely,

Steve Lyons, NH & VT Coordinator

American Federation of State County and Municipal Employees Council 93

Douglas Ley, President

American Federation of Teachers – New Hampshire

Megan Tuttle, President

National Education Association - New Hampshire

Stephen J. Arnold, Sr., NH State Director

New England Police Benevolent Association

New Hampshire Retirement Security Coalition

Email: info@nhretirementsecuritycoalition.com Website: www,nhretirementfacts.com

Sandy Amlaw, President

New Hampshire Retired Educators Association

Carl Ladd, Executive Director

New Hampshire School Administrators Association

Steve Soule, Business Manager

New Hampshire Higher Education Union – a division of IBEW Local 2320

Marc G. Beaudoin, President

New Hampshire Troopers Association

William McQuillen, President

Professional Fire Fighters of New Hampshire

Rich Gulla, President

State Employees Association of New Hampshire - SEIU Local 1984

Dennis Caza, President

Teamsters Local 633

New Hampshire Retirement Security Coalition

Email: info@nhretirementsecuritycoalition.com

Website: www.nhretirementfacts.com



John J. Barthelmes Commissioner

State of New Hampshire DEPARTMENT OF SAFETY

DIVISION OF FIRE STANDARDS & TRAINING and EMERGENCY MEDICAL SERVICES

RICHARD M. FLYNN FIRE ACADEMY
Mailing Address: 33 Hazen Drive, Concord, New Hampshire 03305



LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

HB 224: Relative to a death benefit for EMTs and Rescue Squad members

POSITION: Support COMMITTEE: Executive Departments & Administration

Dear Honorable Members of the Committee:

Providing emergency services to people in need is a calling for most, but it is ever changing and not without mortal risk. Nationally each year approximately 100 firefighters and 130 law enforcement officers lose their life in the line of duty according to the United States Fire Administration and National Law Enforcement Officers Memorial Fund. In each of these cases a family is devastated by the loss of a loved one, as well as the financial hardship as a result of the life altering event.

Current New Hampshire Law provides a death benefit to firefighters and law enforcement officers in appropriate circumstances. Emergency Medical Technicians providing the same services as their firefighter and law enforcement office colleagues are not covered by this benefit simply because of the type of employer they are working for at the time. This bill expands the ability, in appropriate situations, to provide an important death benefit to surviving family members when a loved one is killed in the line of duty serving our citizens.

Emergency Medical Services in New Hampshire is provided by a variety of services including fire departments, non-profits and hospitals, volunteer organizations, and private companies. Fire based EMS accounts for just over 58%, while private organizations represent approximately 13%. The remaining 29% includes non-profit, hospital based, and volunteer services. Annually approximately 5,300 emergency medical providers deliver care 140,000 times to our citizens. This number far exceeds the number of fires responded to by fire fighters, or 4,226 in 2013.

The Department of Safety supports this legislation to extend this death benefit and respectfully requests you vote to pass this legislation.

Respectfully submitted:

Detorch a Bersegant

Deborah A. Pendergast, Director Fire Standards and Training & Emergency Medical Services

January 10, 2019

Serving the New Hampshire Fire and Emergency Medical Services

Business: (603) 223-4200 Fax: (603) 271-1091

Toll Free: 1-800-371-4503

TDD Access: 1-800-735-2964

http://www.nh.gov/nhfa

Voting Sheets

Senate Executive Departments and Administration Committee

EXECUTIVE SESSION

Bill	#113468
Hearing date:	
Executive session date:	
Motion of: 19265	E: 4-160500
Morion of $\underline{\mathcal{V}(\mathcal{Y})}$	
Made by Carson Seconded Carson Reported	Carson \square
Senator: Cavanaugh by Senator: Cavanaugh by Senator	: Cavanaugh 🗌
Chandley Chandley	Chandley 🔲
Reagan 🗌 Reagan 🖳	Reagan 🔲
Rosenwald Rosenwald	Rosenwald 🔲
Motion of: VOT	'E:
motion of	
Made by Carson Seconded Carson Reported	Carson
Senator: Cavanaugh by Senator: Cavanaugh by Senator	
Chandley Chandley	Chandley 📙
Reagan 🗠 Reagan 🗀	Reagan 🗀
Rosenwald Rosenwald 3-2	Rosenwald 🗀
	ted out by
Senator Carson, Chairman	
Senator Cavanaugh, Vice-Chair	
Senator Chandley	
Senator Reagan	
Senator Rosenwald	
*Amendments:	
Allendillettis:	
Notes:	

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Thursday, May 16, 2019

THE COMMITTEE ON Executive Departments and Administration

to which was referred HB 468-FN-LOCAL

AN ACT

relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-2

AMENDMENT # 2019-2040s

Senator Kevin Cavanaugh For the Committee

Jennifer Horgan 271-2609

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 468-FN-LOCAL, relative to the inclusion of attendance stipends as earnable compensation in the retirement system.

Ought to Pass with Amendment, Vote 3-2.

Senator Kevin Cavanaugh for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB468

Docket Abbreviations

Bill Title: (New Title) relative to the inclusion of attendance stipends and certain additional pay for instructional activities as earnable compensation in the retirement system.

Official Docket of HB468.:

Date	Body	Description
1/10/2019	Н	Introduced 01/03/2019 and referred to Executive Departments and Administration HJ 3 P. 15
1/16/2019	Н	Public Hearing: 01/22/2019 01:00 pm LOB 306
3/5/2019	Н	Executive Session: 03/13/2019 10:30 am LOB 306
3/13/2019	Н	Committee Report: Ought to Pass with Amendment #2019-0888h for 03/19/2019 (Vote 19-0; CC) HC 16 P. 9
3/19/2019	н	Amendment #2019-0888h : AA VV 03/19/2019 HJ 10 P. 24
3/19/2019	н	Ought to Pass with Amendment 2019-0888h: MA VV 03/19/2019 HJ 10 P. 24
4/1/2019	S	Introduced 03/28/2019 and Referred to Executive Departments and Administration; SJ 12
4/2/2019	S	Hearing: 04/10/2019, Room 101, LOB, 09:15 am; SC 17
5/16/2019	S	Committee Report: Ought to Pass with Amendment #2019-2040s , 05/23/2019; SC 23
5/23/2019	S	Special Order to the beginning of the regular calendar, Without Objection, MA; 05/23/2019; SJ 17
5/23/2019	S	Committee Amendment #2019-2040s , RC 13Y-10N, AA; 05/23/2019; SJ 17
5/23/2019	S	Ought to Pass with Amendment 2019-2040s, RC 13Y-10N, MA; OT3rdg; 05/23/2019; SJ 17
6/13/2019	Н	House Concurs with Senate Amendment 2040s (Rep. Goley): MA VV 06/13/2019 HJ 19 P. 4
6/27/2019	S	Enrolled (In recess 06/27/2019); SJ 21
6/27/2019	Н	Enrolled 06/27/2019 HJ 20 P. 53
7/16/2019	Н	Signed by Governor Sununu 07/12/2019; Chapter 214; Eff: 09/10/2019

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 4168-FN-L	Senate Committee: _	E, D+A	
Please include all documents in the order listed bel			
included with an "X" beside	ow and indicate the docum	ients which have bee	n
X Final docket found on Bill Status			
Bill Hearing Documents: {Legislative Aides}			
X Bill version as it came to the committee			
X All Calendar Notices			•
X Hearing Sign-up sheet(s)			
All Calendar Notices Hearing Sign-up sheet(s) Prepared testimony, presentations, & other Hearing Report	submissions handed in a	t the public hearing	•
X Hearing Report			
X Revised/Amended Fiscal Notes provided by	the Senate Clerk's Office	•	
Committee Action Documents: {Legislative A	idesl		•
All amendments considered in committee (including	·		•
X - amendment # 1926 X - an		•	•
amendment # an			•
X Executive Session Sheet			
X Committee Report			ŧ
Floor Action Documents: {Clerk's Office}			
All floor amendments considered by the body during	ng session (only if they are	offered to the consta	۸,
amendment # an	•	oncica to the senate	9
amendment # an		•	•
Post Floor Action: (if applicable) {Clerk's Offi	i		
Committee of Conference Report (if signed by the committee of conference):	off by all members. Include	le any new language	proposed
Enrolled Bill Amendment(s)	•		٠
Governor's Veto Message			
GOVERNOLD FOR MESSAGE			
All available versions of the bill: {Clerk's Offi	<u>ce}</u>		
\mathbf{X} as amended by the senate	as amended by	y the house	•
final version	•		
Completed Committee Report File Delivered	to the Senate Clerk's O	ffice By:	
•		,	
Committee Aide			
\ 1 A	•	Date	
Senate Clerk's Office			
U			