

LEGISLATIVE COMMITTEE MINUTES

# HB536

# Bill as Introduced

HB 536-FN - AS AMENDED BY THE HOUSE

6Jan2022... 2118h

2021 SESSION

21-0794  
10/08

HOUSE BILL            ***536-FN***

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

SPONSORS:        Rep. Schultz, Merr. 18; Rep. Schuett, Merr. 20; Rep. Soucy, Merr. 16; Rep. Wazir, Merr. 17; Rep. Harriott-Gathright, Hills. 36; Rep. Grote, Rock. 24; Rep. Goley, Hills. 8; Sen. Cavanaugh, Dist 16; Sen. Whitley, Dist 15

COMMITTEE:       Executive Departments and Administration

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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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

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

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

4 21-I:29-a Death Benefit for ~~[Police Officer or Firefighter]~~ **Employees** Killed in Line of Duty.

5 I. In this section:

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

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

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

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

22 (c) "Family" means the surviving spouse of the police officer, firefighter, emergency  
23 medical technician, ~~[or]~~ rescue squad member, **or public works employee** who was wholly or  
24 partially dependent, in fact, upon the earnings of the police officer, firefighter, emergency medical  
25 technician, rescue squad member, **or public works employee** or, if there is no surviving spouse, the  
26 surviving dependent child or dependent children, of such police officer ~~[or]~~, firefighter, **emergency**  
27 **medical technician, rescue squad member, or public works employee** or, if there is no  
28 surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA  
29 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or  
30 if there is no surviving adult child or adult children, the surviving parent or parents of such police

1 officer, firefighter, emergency medical technician, [ø] rescue squad member, *or public works*  
 2 *employee.*

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

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

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

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

29 (h) *"Public works employee" means any municipal or state public works or*  
 30 *highway employee who has the responsibility to work in hazardous locations, or as a first*  
 31 *responder, or in conjunction with emergency first responders in construction zones,*  
 32 *highway traffic areas, and other locations where the public works or highway employee is*  
 33 *exposed to risk of injury or fatality from construction hazards, highway traffic volume and*  
 34 *speed, nighttime responses, environmental issues, weather, or other hazardous conditions.*

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

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

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

25 2 Retirement System; Accidental Death Benefits; Workers' Compensation Offset. Amend RSA  
 26 100-A:8, III and IV to read as follows:

27 III. Workers' Compensation. ~~[Notwithstanding the foregoing provisions of this section and~~  
 28 ~~except for payments made under RSA 281 A:37, any amounts which may be paid or payable under~~  
 29 ~~the provisions of any workers' compensation or similar law on account of the death of any member~~  
 30 ~~shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu~~  
 31 ~~of any state annuity payable under the provisions of this section on account of the same death. Any~~  
 32 ~~amounts offset above shall not include compensation received to pay hospital or medical bills under~~  
 33 ~~any private annuity or disability insurance plan.~~

34 IV. ~~The offset provisions of paragraph III shall not apply in the case of a group II member~~  
 35 ~~who dies as the natural and proximate result of injuries received while in the performance of his~~  
 36 ~~duty. In this case] Any amounts paid or payable under the provisions of any workers' compensation~~

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1 or similar law on account of the death of the member shall not be offset against or payable in lieu of  
2 any state annuity payable under the provisions of this section on account of the same death.

3 3 Effective Date. This act shall take effect July 1, 2022.

**HB 536-FN- FISCAL NOTE  
AS INTRODUCED**

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

FISCAL IMPACT:     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**POLITICAL  
SUBDIVISIONS:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	Indeterminable

\*The New Hampshire Retirement System states it is not able to separate the fiscal impact of this legislation between county and local government, therefore the fiscal impact is shown together as political subdivisions.

**METHODOLOGY:**

This bill expands the eligibility of a \$100,000 line-of-duty death benefit for municipal or state public works or highway employee killed in the line of duty. To the extent an eligible individual is determined to have been killed in the line of duty, general fund appropriations and expenditures would increase.

This bill also eliminates any offset for workers' compensation benefits applicable to the New Hampshire Retirement System (NHRS) accidental death benefits, which currently applies only to Group I employees. NHRS reports employer rates have been set for FY 2022 and FY 2023 so there would be no changes to those rates as a result of this bill and any possible impact would not occur until FY 2024. The actuary for the New Hampshire Retirement System indicates this change could have a small impact on the future actuarial status of the System and employer contribution rates (i.e. less than 0.01% of payroll) and emerge over time as any new accidental deaths occur.

**AGENCIES CONTACTED:**

New Hampshire Retirement System



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HOUSE BILL **536-FN**

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*HOUSE* COMMITTEE: Executive Departments and Administration *OTPA 18-1 CONSENT*  
*HOUSE FINANCE: OTPA 21-0 SENATE EDYA: OTP 5-0*  
*CONSENT*

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.

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2 the section heading and paragraphs I through the introductory paragraph of III of RSA 21-I:29-a to  
3 read as follows:

4 21-I:29-a Death Benefit for ~~[Police Officer or Firefighter]~~ **Employees** Killed in Line of Duty.

5 I. In this section:

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

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

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

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

22 (c) "Family" means the surviving spouse of the police officer, firefighter, emergency  
23 medical technician, ~~[or]~~ rescue squad member, **or public works employee** who was wholly or  
24 partially dependent, in fact, upon the earnings of the police officer, firefighter, emergency medical  
25 technician, rescue squad member, **or public works employee** or, if there is no surviving spouse, the  
26 surviving dependent child or dependent children, of such police officer ~~[or]~~, firefighter, **emergency**  
27 **medical technician, rescue squad member, or public works employee** or, if there is no  
28 surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA  
29 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or  
30 if there is no surviving adult child or adult children, the surviving parent or parents of such police

HB 536-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 officer, firefighter, emergency medical technician, [✗] rescue squad member, *or public works*  
2 *employee.*

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

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

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

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

29 (h) *"Public works employee" means any municipal or state public works or*  
30 *highway employee who has the responsibility to work in hazardous locations, or as a first*  
31 *responder, or in conjunction with emergency first responders in construction zones,*  
32 *highway traffic areas, and other locations where the public works or highway employee is*  
33 *exposed to risk of injury or fatality from construction hazards, highway traffic volume and*  
34 *speed, nighttime responses, environmental issues, weather, or other hazardous conditions.*

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

HB 536-FN - AS AMENDED BY THE HOUSE

- Page 3 -

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

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

25 2 Retirement System; Accidental Death Benefits; Workers' Compensation Offset. Amend RSA  
26 100-A:8, III and IV to read as follows:

27 III. Workers' Compensation. ~~[Notwithstanding the foregoing provisions of this section and~~  
28 ~~except for payments made under RSA 281 A:37, any amounts which may be paid or payable under~~  
29 ~~the provisions of any workers' compensation or similar law on account of the death of any member~~  
30 ~~shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu~~  
31 ~~of any state annuity payable under the provisions of this section on account of the same death. Any~~  
32 ~~amounts offset above shall not include compensation received to pay hospital or medical bills under~~  
33 ~~any private annuity or disability insurance plan.~~

34 IV. ~~The offset provisions of paragraph III shall not apply in the case of a group II member~~  
35 ~~who dies as the natural and proximate result of injuries received while in the performance of his~~  
36 ~~duty. In this case] Any amounts paid or payable under the provisions of any workers' compensation~~

**HB 536-FN - AS AMENDED BY THE HOUSE**

**- Page 4 -**

- 1 or similar law on account of the death of the member shall not be offset against or payable in lieu of
- 2 any state annuity payable under the provisions of this section on account of the same death.
- 3 3 Effective Date. This act shall take effect July 1, 2022.

**HB 536-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2021-2118h)

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

**FISCAL IMPACT:**     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Various State Funds			

**POLITICAL  
SUBDIVISIONS:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	Indeterminable	Indeterminable

\*The New Hampshire Retirement System states it is not able to separate the fiscal impact of this legislation between county and local government, therefore the fiscal impact is shown together as political subdivisions.

**METHODOLOGY:**

This bill expands the eligibility of a \$100,000 line-of-duty death benefit for municipal or state public works or highway employee killed in the line of duty. To the extent an eligible individual is determined to have been killed in the line of duty, general fund appropriations and expenditures would increase.

This bill also eliminates any offset for workers' compensation benefits applicable to the New Hampshire Retirement System (NHRS) accidental death benefits, which currently applies only to Group I employees. NHRS reports employer rates have been set for FY 2022 and FY 2023 so there would be no changes to those rates as a result of this bill and any possible impact would not occur until FY 2024 and FY 2025. The actuary for the New Hampshire Retirement System indicates this change could have a small impact on the future actuarial status of the System and employer contribution rates (i.e. less than 0.01% of payroll) and emerge over time as any new accidental deaths occur.

**AGENCIES CONTACTED:**

New Hampshire Retirement System

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<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General Various State Funds	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

**POLITICAL  
SUBDIVISIONS:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
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**AGENCIES CONTACTED:**

New Hampshire Retirement System



CHAPTER 102  
HB 536-FN - FINAL VERSION

6Jan2022... 2118h

2022 SESSION

21-0794  
10/08

HOUSE BILL            **536-FN**

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COMMITTEE:          Executive Departments and Administration

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2 Amend the section heading and paragraphs I through the introductory paragraph of III of RSA 21-  
3 I:29-a to read as follows:

4 21-I:29-a Death Benefit for [~~Police Officer or Firefighter~~] **Employees** Killed in Line of Duty.

5 I. In this section:

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

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

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

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

22 (c) "Family" means the surviving spouse of the police officer, firefighter, emergency  
23 medical technician, [~~or~~] rescue squad member, **or public works employee** who was wholly or  
24 partially dependent, in fact, upon the earnings of the police officer, firefighter, emergency medical  
25 technician, rescue squad member, **or public works employee** or, if there is no surviving spouse, the  
26 surviving dependent child or dependent children, of such police officer [~~or~~], firefighter, **emergency**  
27 **medical technician, rescue squad member, or public works employee** or, if there is no  
28 surviving dependent child, a surviving person qualifying as a common-law spouse pursuant to RSA  
29 457:39, or if there is no surviving common-law spouse, the surviving adult child or adult children, or

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HB 536-FN - FINAL VERSION  
- Page 2 -

1 if there is no surviving adult child or adult children, the surviving parent or parents of such police  
2 officer, firefighter, emergency medical technician, [ø] rescue squad member, *or public works*  
3 *employee*.

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

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

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

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

30 (h) "*Public works employee*" means any municipal or state public works or  
31 highway employee who has the responsibility to work in hazardous locations, or as a first  
32 responder, or in conjunction with emergency first responders in construction zones,  
33 highway traffic areas, and other locations where the public works or highway employee is  
34 exposed to risk of injury or fatality from construction hazards, highway traffic volume and  
35 speed, nighttime responses, environmental issues, weather, or other hazardous conditions.

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- Page 3 -

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

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

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

28          102:2 Retirement System; Accidental Death Benefits; Workers' Compensation Offset. Amend  
29 RSA 100-A:8, III and IV to read as follows:

30          III. Workers' Compensation. ~~[Notwithstanding the foregoing provisions of this section and~~  
31 ~~except for payments made under RSA 281 A:37, any amounts which may be paid or payable under~~  
32 ~~the provisions of any workers' compensation or similar law on account of the death of any member~~  
33 ~~shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu~~  
34 ~~of any state annuity payable under the provisions of this section on account of the same death. Any~~  
35 ~~amounts offset above shall not include compensation received to pay hospital or medical bills under~~  
36 ~~any private annuity or disability insurance plan.~~

**CHAPTER 102**  
**HB 536-FN - FINAL VERSION**

**- Page 4 -**

1           ~~IV. The offset provisions of paragraph III shall not apply in the case of a group II member~~  
2 ~~who dies as the natural and proximate result of injuries received while in the performance of his~~  
3 ~~duty. In this case]~~ Any amounts paid or payable under the provisions of any workers' compensation  
4 or similar law on account of the death of the member shall not be offset against or payable in lieu of  
5 any state annuity payable under the provisions of this section on account of the same death.

6           102:3 Effective Date. This act shall take effect July 1, 2022.

Approved: May 27, 2022  
Effective Date: July 01, 2022

# Amendments

Rep. Emerick, Rock. 21  
September 15, 2021  
2021-2118h  
10/05

Amendment to HB 536-FN

- 1 Amend the bill by replacing section 3 with the following:
- 2
- 3 3 Effective Date. This act shall take effect July 1, 2022.

# Committee Minutes



**SENATE CALENDAR NOTICE**  
**Executive Departments and Administration**

Sen Sharon Carson, Chair  
 Sen John Reagan, Vice Chair  
 Sen Denise Ricciardi, Member  
 Sen Kevin Cavanaugh, Member  
 Sen Suzanne Prentiss, Member

Date: March 9, 2022

**HEARINGS**

Wednesday

03/16/2022

(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>HB 91-FN</b>	relative to death benefits of first responders who die from suicide.
9:15 a.m.	<b>HB 1319-FN</b>	relative to granting certain corrections personnel death benefits if killed in the line of duty.
9:30 a.m.	<b>HB 1497-FN</b>	relative to optional allowances in the retirement system.
9:45 a.m.	<b>HB 536-FN</b>	relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.
10:00 a.m.	<b>HB 1318-FN-LOCAL</b>	relative to penalties for employer noncompliance with retirement system requirements.
10:15 a.m.	<b>HB 1030</b>	relative to licensure by alternate experience for licensed nursing assistant.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

<b>HB 91-FN</b>	Rep. Abbas	Rep. Lang	Rep. Doucette	Rep. Roy
	Rep. Trottier			
<b>HB 1319-FN</b>	Rep. Emerick	Rep. Leishman	Rep. G. Griffin	Rep. Theberge
	Rep. Mooney			
<b>HB 1497-FN</b>	Rep. Lanzara			
<b>HB 536-FN</b>	Rep. Schultz	Rep. Schuett	Rep. Soucy	Rep. Wazir
	Rep. Harriott-Gathright	Rep. Grote	Rep. Goley	Sen. Cavanaugh
	Sen. Whitley			
<b>HB 1318-FN-LOCAL</b>	Rep. Schuett			
<b>HB 1030</b>	Rep. S. Pearson	Rep. Edwards	Sen. Carson	Sen. Birdsell

Chantell Wheeler 271-1403

Sharon M Carson  
 Chairman

# Senate Executive Departments and Administration Committee

*Chantell Wheeler 271-1403*

**HB 536-FN**, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.

**Hearing Date:** March 16, 2022

**Members of the Committee Present:** Senators Carson, Reagan, Ricciardi and Prentiss

**Members of the Committee Absent :** Senator Cavanaugh

**Bill 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.

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**Sponsors:**

Rep. Schultz

Rep. Wazir

Rep. Goley

Rep. Schuett

Rep. Harriott-Gathright

Sen. Cavanaugh

Rep. Soucy

Rep. Grote

Sen. Whitley

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**Who supports the bill:** Sen. Cavanaugh, Rep. Schuett, Rep. Schultz, Susi Nord (on behalf of Allison Wooten), David Rodrigue

**Who opposes the bill:** None

**Who is neutral on the bill:** Marty Karlon, New Hampshire Retirement System (NHRS)

**Summary of testimony presented in support:**

**Rep. Schultz** introduced this bill and referenced the unfortunate but not uncommon incident for public works employees that resulted in this bill.

- While this benefit will not help the person who passed, it will help but their surviving families.
- This bill had strong bi-partisan support last year.

**Senator Carson** asked about the house finance amendment.

**Rep. Schultz** stated the amendment was the enactment date, July 1, 2022.

**David Rodrigue Department of Transportation (DOT)**

- DOT supports this bill and notes that public works employees are included as first responders by presidential direction.
- DOT has lost 8 employees while on duty. Of the top ten most dangerous occupations, DOT performs tasks defined in 8 of those occupations.
- A box van side swiped an occupied service vehicle on I-93 last week. Thankfully, the driver of the service vehicle was fully buckled and was not injured.
- Earlier today, a truck hit the Rochester toll booth. Thankfully the toll taker who occupied the toll booth at the time was uninjured.

**Susi Nord, National Council for Occupational Safety and Health**

- Supports this bill and is here on behalf of Allison Wooten. In July 2016, Allison's husband Tom was killed while working for Northfield Department of Public Works (NDPW). Allison was out of state at the time and did not get to say good-bye for he died.
- NDPW employees were directed to carry a tractor trailer by hand from one area of the yard to another. During this transfer, Tom was crushed and later died.
- The cost to rent the needed equipment to move the trailer was \$500.00.
- Allison was then asked if she wanted Tom's workers compensation or his pension. This is a piece that nobody really understands about making life altering decisions in such a difficult time.
- The Governor gave a speech at Tom's memorial thanking DOT as first responders. Allison considered Tom a first responder.

**Summary of testimony presented in opposition:** None

**Neutral Information Presented:**

**Marty Karlon, New Hampshire Retirement System (NHRS)**

- This bill has little to do with NHRS except for in section 2, removing the workers comp offset to a death benefit paid to a surviving member.

# Speakers



## Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB536 on 2022-03-16

Support: 1 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Cavanaugh, Senator Kevin	An Elected Official	Myself	Support
Karlon, Marty	State Agency Staff	NHRS	Neutral

# Testimony

March 16, 2022

To: Senate ED&A,

HB 536-FN, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.

My apologies for not appearing in person, as you know, the House is in session as you are meeting. However, as a cosponsor of this bill and a member of House ED&A I would just point out that these workers are the ones right alongside the police, fire and EMT first responders at the scene of accidents, cleaning up debris, etc. All those other first responders have the benefit this bill seeks to provide for the public works employees if the worst happens and a non-observant driver, for example crashes into them. Thankfully, this does not happen often, but when it does, the House of Representatives agreed that their families deserve this benefit also. So much so, that the bill came out of House ED&A with an 18-1 vote and the policy passed the House on the consent calendar; and House Finance approved it with a 21-0 vote. The amendment that Finance added only extended the effective date until this July since it was retained by the Finance committee until this year due to their budget work last year.

I hope your committee will look favorably on this,

Respectfully, Rep. Dianne E. Schuett, Merr. 20 (Chichester and Pembroke)



4/13/2022

LBA  
Responses

### **HB536 Death Benefits for Public Works Employees and Workers' Compensation Offset**

We reached out to the NH Retirement System (NHRS) to help clarify some answers on questions asked at the Senate Finance Hearing for HB536. We have also included RSA 281-A:26 Workers' Compensation for Death and RSA 100-A:8 Accidental Death Benefits for reference.

- The first item to note is the \$100,000 line of duty death benefit and the workers' compensation offset are two separate items in the bill. The workers' compensation offset and the NHRS benefits in section 2 has nothing to do with the \$100,000 benefit in section 1 of HB536.
- Do you know why section paragraph III in section 2 was deleted?
  - The sponsor and others have testified it is to bring parity. The bill drafter is merging sections III and IV because separate provisions would be repetitive if the language was the same for all members.
- Can you explain the offset and how it works?
  - If the pension benefit paid to the survivor of a Group I member whose death was job related is \$2500/month and the survivor is also receiving a workers' compensation benefit of \$500/month, NHRS would only pay \$2000 under the offset.
- What is the retirement accidental death benefit?
  - Accidental Death Benefit (job-related)  
A refund of the member's Accumulated Contributions is payable to the member's designated beneficiary(ies) in addition to the Accidental Death Benefit described below:
    - If the member was married at the time of death, then the surviving spouse of a Group I member will receive an annual pension until death equal to 50% of the member's Average Final Compensation (average of the member's highest-paid years of membership service). The annual pension for the surviving spouse of a Group II member will be equal to 50% of the member's annual rate of Earnable Compensation at the date of the member's death.
    - If the member leaves no surviving spouse, or if the surviving spouse dies, then the annual pension will be payable to the member's children under age 18.
    - If the member leaves no surviving spouse and no children under age 18, then the pension will be payable to the member's dependent mother or father for life.
    - If the member leaves no survivors who are eligible for the annual pension, then the member's designated beneficiary(ies) will receive a lump sum payment equal to the member's base salary plus accrued benefits not paid at the time of death.
- How are death benefit policies setup?
  - There are no "policies." The cost of funding death benefits (and disability benefits) is already included in the employer rates. Because these offsets are exceedingly rare, this bill would not have a measurable impact on employer contribution rates.

## **CHAPTER 281-A WORKERS' COMPENSATION**

### **Section 281-A:26**

#### **281-A:26 Compensation for Death. –**

If death results from an injury, weekly compensation shall be paid to the dependents of the deceased employee in an amount provided by the compensation schedule in RSA 281-A:28 as follows:

I. In all cases in which compensation is payable to a widow or widower for the benefit of herself or himself and dependent children, the commissioner shall have the power to determine from time to time, in the commissioner's discretion, what portion of the compensation shall be applied for the benefit of any such children and may order the same paid to a guardian.

II. In the case of the remarriage of a widow or widower without dependent children, compensation payments shall cease.

III. In the case of the remarriage of a widow or widower who has dependent children, the unpaid balance of compensation which would otherwise become due shall be payable to the mother, father, or guardian, or such other person as the commissioner may order, for the use and benefit of such children during dependency.

IV. The employer shall pay burial expenses not to exceed \$10,000.

V. Any dependent, except a widow or a widower or children, who, at the time of the injury to the person covered under this chapter, is only partially dependent upon the injured person's earnings shall receive such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependent at the time of the injury bore to the total support of the dependent.

VI. Compensation for a dependent child shall continue until the child becomes 18 years of age, or until the child becomes 25 years of age if such child is enrolled as a full-time student in an accredited educational institution. However, if the commissioner determines that the child is self-supporting or if the child marries or is legally adopted, compensation shall cease. A dependent child who is physically or mentally incapacitated shall continue to receive compensation as long as the incapacity continues. This paragraph shall have no effect on accidents or fatalities occurring prior to July 1, 1975, which shall be governed by the provisions of workers' compensation law prior to that date.

VII. Compensation payable to any dependent other than a widow, widower, or children shall cease when such dependent is married, is legally adopted, or is determined by the commissioner to be self-supporting.

**Source.** 1988, 194:2. 1990, 254:17. 2009, 78:1, eff. Jan. 1, 2010.

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## **CHAPTER 100-A NEW HAMPSHIRE RETIREMENT SYSTEM**

### **Section 100-A:8**

#### **100-A:8 Accidental Death Benefits. –**

I. Group I Members.

(a) If, upon the receipt by the board of trustees of proper proof of the death of a group I member in service indicating that such death was the natural and proximate result of an accident occurring while in the

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performance of duty at some definite time and place, the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a state annuity shall be paid to the member's surviving spouse; or if there is no surviving spouse, or if the surviving spouse dies before the youngest child of the deceased member has attained age 18, then to the deceased member's child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship state annuity for the benefit of such child or children under said age until every child dies or attains said age; or if there is no surviving spouse or child under age 18 living at the death of the member, then to the member's dependent father or dependent mother as the board shall determine, to continue for life; provided that if none of the aforementioned beneficiaries is living or eligible for benefits under the provisions of this section, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum amount which is equal to the deceased member's base salary plus accrued benefits not paid at the time of death, in addition to the amount payable under RSA 100-A:11.

(b) Upon the accidental death of a group I member the amount of the state annuity payable shall be equal to 50 percent of the member's average final compensation.

#### II. Group II Members.

(a) If, upon the receipt by the board of trustees of proper proof of the death of a group II member in service indicating that such death was the natural and proximate result of an accident occurring while in the performance of duty at some definite time and place, or as the natural and proximate result of repeated trauma or gradual degeneration occurring while in the actual performance of duty or arising out of and in the course of employment or of any occupational disease arising out of or in the course of employment, as defined by RSA 281-A:2, XI and found to be compensable by the commissioner of labor pursuant to RSA 281-A:43; the board decides that death was the result of an accident in the performance of duty and not caused by willful negligence on the part of the member, a state annuity shall be paid to the member's surviving spouse, or if there is no surviving spouse, or if the surviving spouse dies before the youngest child of the deceased member has attained age 18, then to the deceased members' child or children under such age, divided in such manner as the board in its discretion shall determine, to continue as a joint and survivorship state annuity for the benefit of such child or children under said age until every child dies or attains said age; or if there is no surviving spouse or child under age 18 living at the death of the member, then to the member's dependent father or dependent mother as the board shall determine, to continue for life; provided that if none of the aforementioned beneficiaries is living or eligible for benefits under the provisions of this section, there shall be payable to the person or persons nominated by the member, if living, otherwise to the member's estate, a lump sum amount which is equal to the deceased member's base salary plus accrued benefits not paid at the time of death, in addition to the amount payable under RSA 100-A:11.

(b) Upon the accidental death of a group II member the amount of the state annuity payable shall be equal to 50 percent of the member's annual rate of earnable compensation at the date of the member's death.

III. Workers' Compensation. Notwithstanding the foregoing provisions of this section and except for payments made under RSA 281-A:37, any amounts which may be paid or payable under the provisions of any workers' compensation or similar law on account of the death of any member shall, in such manner as the board of trustees shall determine, be offset against and payable in lieu of any state annuity payable under the provisions of this section on account of the same death. Any amounts offset above shall not include compensation received to pay hospital or medical bills under any private annuity or disability insurance plan.

IV. The offset provisions of paragraph III shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty. In this case any amounts paid or payable under the provisions of any workers' compensation or similar law on account of

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the death of the member shall not be offset against or payable in lieu of any state annuity payable under the provisions of this section on account of the same death.

**Source.** 1967, 134:1; 405:5, 6. 1987, 242:2. 1988, 193:4. 1990, 277:1. 1994, 158:17; 169:1. 1996, 187:2, 3. 2009, 327:1, 2, eff. Oct. 20, 2009.

# Voting Sheets

**Senate Executive Departments and  
Administration Committee  
EXECUTIVE SESSION RECORD  
2022 Session**

Bill # HB 536

Hearing date: 3/16/2022

Executive Session date: 3/23/2022

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Reagan

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Senate Finance Committee

## EXECUTIVE SESSION

Bill # HB 536-FN

Hearing date: N/A

Executive session date: 04/19/22

Motion of: Interim Study

VOTE: 6-1 *Rosenwald*

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input checked="" type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, March 23, 2022

THE COMMITTEE ON Executive Departments and Administration  
to which was referred **HB 536-FN**

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

Having considered the same, the committee recommends that the Bill

ought to pass

BY A VOTE OF:    5-0

Senator John Reagan  
For the Committee

This bill expands the eligibility of a \$100,000 line-of-duty death benefit by adding municipal or state public works or highway employees killed in the line of duty. Public works employees are included as first responders by presidential direction, and they are often called upon in times of accidents and natural disasters. This bill also eliminates any offset for workers' compensation benefits applicable to the New Hampshire Retirement System (NHRS) accidental death benefits and brings parity to Group I and Group II employees.

Chantell Wheeler 271-1403

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, April 20, 2022

THE COMMITTEE ON Finance

to which was referred **HB 536-FN**

AN ACT

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

Having considered the same, the committee recommends that the Bill

BE REFERRED TO INTERIM STUDY

BY A VOTE OF: 6-1

Senator Gary Daniels  
For the Committee

Deb Martone 271-4980

**Docket of HB536**

**Bill Title:** relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.

*Official Docket of HB536.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/12/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Executive Departments and Administration <b>HJ 2 P. 52</b>
1/21/2021	H	Public Hearing: 01/27/2021 09:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://zoom.us/j/92995497899">https://zoom.us/j/92995497899</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/17/2021	H	Committee Report: Ought to Pass (Vote 18-1; CC) <b>HC 12 P. 6</b>
2/24/2021	H	<b>Ought to Pass:</b> MA VV 02/24/2021 <b>HJ 3 P. 9</b>
2/24/2021	H	Referred to Finance 02/24/2021 <b>HJ 3 P. 9</b>
3/4/2021	H	Division I Work Session: 03/09/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/94444579237">https://www.zoom.us/j/94444579237</a>
3/25/2021	H	Executive Session: 03/29/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/92166004660">https://www.zoom.us/j/92166004660</a>
3/30/2021	H	Retained in Committee
8/31/2021	H	Division I Work Session: 09/14/2021 03:15 pm LOB 212
9/15/2021	H	Division I Work Session: 09/28/2021 01:00 pm LOB 212
10/6/2021	H	Executive Session: 10/26/2021 10:00 am LOB 210-211
10/28/2021	H	Committee Report: Ought to Pass with Amendment <b>#2021-2118h</b> (Vote 21-0; RC) <b>HC 48 P. 33</b>
1/9/2022	H	Amendment <b>#2021-2118h:</b> AA VV 01/06/2022 <b>HJ 1</b>
1/9/2022	H	<b>Ought to Pass with Amendment :</b> MA VV 01/06/2022 <b>HJ 1</b>
1/18/2022	S	Introduced 01/05/2022 and Referred to Executive Departments and Administration; <b>SJ 2</b>
3/9/2022	S	<b>Hearing:</b> 03/16/2022, Room 103, SH, 09:45 am; <b>SC 11</b>
3/24/2022	S	Committee Report: Ought to Pass, 03/31/2022; Vote 5-0; CC; <b>SC 13</b>
3/31/2022	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 03/31/2022; <b>SJ 7</b>
4/20/2022	S	Committee Report: Referred to Interim Study, 04/28/2022; <b>SC 17</b>
4/28/2022	S	Special Order to to the next session, Without Objection, MA; 04/28/2022; <b>SJ 10</b>
4/28/2022	S	Committee Report: Referred to Interim Study, 05/05/2022; <b>SC 18</b>
5/5/2022	S	Refer to Interim Study, <b>RC 11Y-13N, MF;</b> 05/05/2022; <b>SJ 11</b>
5/5/2022	S	Sen. D'Allesandro Moved Ought to Pass; 05/05/2022; <b>SJ 11</b>
5/5/2022	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 05/05/2022; <b>SC 19</b>
5/17/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); <b>SJ 13</b>
5/18/2022	H	Enrolled (in recess of) 05/12/2022
6/1/2022	H	Signed by Governor Sununu 05/27/2022; Chapter 102; 07/01/2022



# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 536

Senate Committee: RDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ Executive Session Sheet
- \_\_\_ Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_
- \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- \_\_\_ Enrolled Bill Amendment(s)
- \_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- \_\_\_ as amended by the senate
- \_\_\_ as amended by the house
- \_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

OTBWL  
Committee Aide

5/13/2022  
Date

Senate Clerk's Office \_\_\_\_\_

**Senate Inventory Checklist for Archives**

Bill Number: HB 536-FN

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions ~~handed in at the public hearing~~

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_    \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_    \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_    \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_    \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate    \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martone  
Committee Aide

06/14/22  
Date

Senate Clerk's Office PM