

CHAPTER 196
HB 124-FN – FINAL VERSION

05/23/13 1618s
26June2013... 2070CofC

2013 SESSION

13-0181
10/01

HOUSE BILL ***124-FN***

AN ACT relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, and relative to the director and assistant director of the division of homeland security and emergency management in the department of safety.

SPONSORS: Rep. Major, Rock 14; Rep. Weyler, Rock 13

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Reinserts a provision which removes the application of the gainful occupation reductions to retirement allowances of group II accidental disability beneficiaries who have years of service plus years of accidental disability retirement which total at least 20 and who have attained the age of 45.

II. Allows the director of homeland security and emergency management in the department of safety the option to rejoin the retirement system as a member and to continue group II retirement status based on prior service and group II membership, and allows the assistant director of homeland security and emergency management to continue group II retirement status based on prior service and group II membership.

III. Provides for the appointment of the director of the division of homeland security and emergency management for terms of 3 years.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, and relative to the director and assistant director of the division of homeland security and emergency management in the department of safety.

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

1 196:1 New Subparagraph; Retirement System; Disability Benefits; Gainful Occupation. Amend
2 RSA 100-A:6, III(b) by inserting after subparagraph (3) the following new subparagraph:

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

8 196:2 Application; Exemption from Gainful Occupation Requirements. The provisions of RSA
9 100-A:6, III(b)(4) as inserted by section 1 of this act shall apply to qualifying disability beneficiaries
10 for any tax year beginning after December 31, 2011.

11 196:3 New Paragraph; Director of Homeland Security and Emergency Management;
12 Retirement System. Amend RSA 21-P:5-a by inserting after paragraph IV the following new
13 paragraph:

14 V. During service as director, the director of the division of homeland security and
15 emergency management may elect not to become a member of the retirement system, however if he
16 or she becomes a member he or she shall be eligible to be a group II member if he or she was a group
17 II member or receiving a group II retirement allowance prior to appointment.

18 196:4 New Paragraph; Assistant Director of Homeland Security and Emergency Management;
19 Retirement System. Amend RSA 21-P:36 by inserting after paragraph III the following new
20 paragraph:

21 IV. During service as assistant director, the assistant director of the division of homeland
22 security and emergency management shall be eligible to be a group II member if he or she was a
23 group II member or receiving a group II retirement allowance prior to appointment.

24 196:5 Department of Safety; Appointment of Director of Homeland Security and Emergency
25 Management. Amend RSA 21-P:5-a, I to read as follows:

26 I. Notwithstanding the provisions of RSA 21-G and RSA 21-P:3, the commissioner, after

CHAPTER 196
HB 124-FN – FINAL VERSION
- Page 2 –

1 consultation with the governor, shall nominate for appointment by the governor and council, a
2 director of homeland security and emergency management, who shall serve [~~at the pleasure of the~~
3 ~~governor~~] **for a term of 3 years**. The director of homeland security and emergency management
4 shall be qualified by education and experience and shall receive the salary provided in RSA 94:1-a.

5 196:6 Effective Date.

6 I. Section 1 of this act shall take effect July 1, 2013.

7 II. The remainder of this act shall take effect upon its passage.

8

9 Approved: July 9, 2013

10 Effective Date: I. Section 1 shall take effect July 1, 2013.

11 II. Remainder shall take effect July 9, 2013