

HB 1101-FN – AS INTRODUCED

2014 SESSION

14-2018
10/01

HOUSE BILL ***1101-FN***

AN ACT relative to the recovery of overpayments by the retirement system and establishing a committee to study the policies and procedures of the retirement system for benefits wrongfully paid.

SPONSORS: Rep. Hansen, Hills 22; Rep. C. McGuire, Merr 29

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires the retirement system to recover overpayments by the retirement system made due to errors in records or calculation of benefits, and establishes a committee to study the policies and procedures of the retirement system for benefits wrongfully paid.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the recovery of overpayments by the retirement system and establishing a committee to study the policies and procedures of the retirement system for benefits wrongfully paid.

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

1 1 Retirement System; Recovery of Overpayments. Amend RSA 100-A:27 to read as follows:

2 100-A:27 Protection Against Fraud; ***Correction of Errors; Remedy.***

3 ***I.*** Any person who shall knowingly make any false statement or shall falsify or permit to be
4 falsified any record or records of this retirement system in any attempt to defraud the system as a
5 result of such act, shall be guilty of a class B felony if a natural person, or guilty of a felony if any
6 other person.

7 ***II.*** Should any change or error in the records ***of a member or beneficiary or an error in***
8 ***the calculation of a benefit amount*** result in any member or beneficiary receiving from the
9 system more or less than he ***or she*** would have been entitled to receive had the records ***or***
10 ***calculation*** been correct, the board of trustees shall have the power to correct such error, and to
11 adjust as far as practicable the payments in such a manner that the actuarial equivalent of the
12 benefit to which such member or beneficiary was correctly entitled shall be paid.

13 ***III.*** ***The board shall recover from any member, retired member, or beneficiary the***
14 ***amount of any overpayments made due to a violation under paragraph I or a correction of***
15 ***an error under paragraph II, and shall not compromise any amount due except in the***
16 ***interest of the participants and beneficiaries.***

17 2 Committee Established. There is established a committee to study the policies and procedures
18 of the retirement system for benefits wrongfully paid.

19 3 Membership and Compensation.

20 I. The members of the committee shall be as follows:

21 (a) Four members of the house of representatives, appointed by the speaker of the house
22 of representatives.

23 (b) Two members of the senate, appointed by the president of the senate.

24 II. Members of the committee shall receive mileage at the legislative rate when attending to
25 the duties of the committee.

26 4 Duties.

27 I. The committee shall study the policies and procedures of the New Hampshire retirement
28 system for benefits wrongfully paid, and the methods used for the recoupment of such overpayments.

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1 II. The committee shall solicit information and assistance from the New Hampshire
2 retirement system, state and municipal officials, the attorney general, and any other person or
3 agency the committee deems necessary.

4 III. The committee shall be authorized to request subpoenas for the attendance of persons at
5 meetings of the committee or for the production of documents.

6 5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
7 among the members. The first meeting of the committee shall be called by the first-named house
8 member. The first meeting of the committee shall be held within 45 days of the effective date of this
9 section. Four members of the committee shall constitute a quorum.

10 6 Report. The committee shall report its findings and any recommendations for proposed
11 legislation to the speaker of the house of representatives, the president of the senate, the house
12 clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

13 7 Effective Date.

14 I. Section 1 of this act shall take effect January 1, 2015.

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

LBAO
14-2018
11/12/13

HB 1101-FN - FISCAL NOTE

AN ACT relative to the recovery of overpayments by the retirement system and establishing a committee to study the policies and procedures of the retirement system for benefits wrongfully paid.

FISCAL IMPACT:

The New Hampshire Retirement System states this bill, **as introduced**, will have no impact on state, county, or local revenue and expenditures.

METHODOLOGY:

The New Hampshire Retirement System states this bill requires the System to recover overpayments, and establishes a committee to study the policies and procedures for benefits wrongfully paid. The System recovers overpayments by deducting the amount of the overpayment from the retiree's pension payments over a period of time; for this reason, the bill may result in reduced expenditures from the trust fund out of which benefits are paid. The bill, however, will have no fiscal impact on state, county, or local funds, because the System projects that any administrative costs associated with collecting overpayments will be absorbed by its budget.