

CHAPTER 26
HB 1398-FN – FINAL VERSION

2014 SESSION

14-2409
10/05

HOUSE BILL ***1398-FN***

AN ACT allowing the retirement system to make payments in lieu of payments to estates in certain instances.

SPONSORS: Rep. Gagnon, Sull 5; Rep. Schuett, Merr 20

COMMITTEE: Executive Departments and Administration

ANALYSIS

 This bill allows the retirement system to make a payment of \$15,000 or less to the next of kin of a deceased member of a beneficiary when no probate proceedings are pending.

 This bill is a request of the New Hampshire retirement system.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT allowing the retirement system to make payments in lieu of payments to estates in certain instances.

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

1 26:1 New Section; Retirement System; Payments in Lieu of Payments to Estates. Amend RSA
2 100-A by inserting after section 12 the following new section:

3 100-A:12-a Payments in Lieu of Payments to Estates.

4 I. Notwithstanding any other provision under this chapter to the contrary, in the event that
5 any payment in the amount of \$15,000 or less is to be made by the New Hampshire retirement
6 system to the estate of a deceased member or beneficiary, the retirement system may, but is not
7 required to, make payment to the next of kin of such deceased member or beneficiary provided that
8 all of the following conditions are met:

9 (a) At least 6 months have passed since the death of such member or beneficiary.

10 (b) There has been no demand for payment from a duly appointed executor or
11 administrator.

12 (c) No probate proceedings have been instituted with respect to such deceased member
13 or beneficiary, or all such probate proceedings have been closed.

14 (d) The next of kin has provided a written request for such payment and an affidavit in a
15 form approved by the board of trustees stating that no such probate proceedings have been instituted
16 or that proceedings have been closed, as applicable, and swearing to sufficient additional facts to
17 enable the retirement system to determine that the person making such request is the next of kin of
18 such member or beneficiary.

19 II. Payments made under authority of this section shall discharge the liability of the
20 retirement system to all persons to the extent of such payments and the retirement system shall be
21 immune from civil liability in any action brought on the basis of any act or omission under this
22 section.

23 26:2 Effective Date. This act shall take effect 60 days after its passage.

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25 Approved: May 23, 2014

26 Effective Date: July 22, 2014