

Amendment to HB 636-FN

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

2
3 AN ACT establishing a department of military and veterans services.

4
5 Amend the bill by replacing all after the enacting clause with the following:

6
7 1 New Chapter; Department of Military and Veterans Services. Amend RSA by inserting after
8 chapter 21-U the following new chapter:

9 CHAPTER 21-V

10 DEPARTMENT OF MILITARY AND VETERANS SERVICES

11 21-V:1 Purpose. The purpose of this chapter is to improve the administration of military and
12 veterans services. Recognizing that service members, veterans and their families require dedicated,
13 strategic, collaborative outreach, that current service delivery model is not structured to provide
14 coordinated, high quality services, and that the welfare of service members, veterans and their
15 families can best be enhanced if a single entity coordinates many efforts, the department of military
16 and veterans services is established to address system gaps and coordinate, consolidate and provide
17 unified direction of policies, procedures and programs in conjunction with the United States
18 Department of Veterans Affairs as well as other federal, state, local and private organizations.

19 21-V:2 Definitions. In this chapter:

20 I. "Commissioner" means commissioner of the department of military and veterans services.

21 II. "Department" means department of military and veterans services.

22 21-V:3 Establishment; General Functions.

23 I. There is hereby established a department of military and veterans services, an agency of
24 the state.

25 II. The department, through its officials, shall be responsible for:

26 (a) Promoting the welfare of military service members, veterans, and their families.

27 (b) Enhancing, coordinating, and overseeing the benefits and services offered by
28 organizations within the state of New Hampshire and directing veterans to appropriate benefits and
29 services offered by such organizations.

30 (c) Serving as a clearinghouse for research, data, and analysis, to initiate and support
31 public education and awareness campaigns.

32 (d) Providing guidance and training regarding military and veterans issues to civilian

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1 organizations.

2 21-V:4 Internal Organizational Units. The department shall include the following internal
3 organizational units performing the following major functions:

4 I. The division of veterans services, under the supervision of a director of veterans services:

5 (a) Shall assist veterans who are residents of this state or their dependents to secure all
6 benefits or preferences to which they may be entitled under any state or federal laws or regulations.
7 The office shall employ such assistance as may be necessary, within the limits of the appropriation
8 made therefor, subject to the rules of the state division of personnel.

9 (b) Biennially, beginning July 1, 2019, shall publish and distribute to the entities listed
10 in subparagraph (1), a state veterans handbook which shall include the following information:

11 (1) Points of contact for all federal, state, local, and nonprofit veterans agencies,
12 departments, councils, hospitals, clinics, and other organizations offering services, benefits, and
13 programs to New Hampshire veterans, including addresses, telephone numbers, and e-mail
14 addresses.

15 (2) A description of the services, benefits, and programs offered by each entity listed
16 under subparagraph (1).

17 (c) May accept and expend for purposes of publishing and distributing the state
18 veterans handbook, any donations, grants, bequests, and contributions which become available for
19 such purposes.

20 II. The division of community military programs, under the supervision of a director of
21 community military programs which shall facilitate military and civilian partnerships by
22 collaborating, coordinating, and communicating with military and civilian provider groups in the
23 delivery of health care services to New Hampshire veterans, service members, and their families.

24 21-V:5 Commissioner; Directors; Compensation.

25 I.(a) The commissioner of the department shall be appointed by the governor, with the
26 consent of the council, and shall serve for a term of 4 years. The commissioner may succeed himself
27 or herself. A vacancy shall be filled for the unexpired term.

28 (b) The commissioner shall be:

29 (1) A resident of New Hampshire for 2 years preceding his or her appointment.

30 (2) Qualified to hold the position by reason of education and experience.

31 (3) Honorably discharged or separated from service in the armed forces of the
32 United States; provided that Title 10 training for active duty by a member of a national guard or
33 reserve shall be included as service under this subparagraph.

34 (4) Have experienced no less than 90 days on active service in the armed forces of
35 the United States in:

36 (A) The Vietnam Conflict' between December 22, 1961 and May 7, 1975; or

37 (B) The Vietnam Conflict between July 1, 1958 and December 22, 1961, if the

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1 resident earned the Vietnam service medal or the armed forces expeditionary medal; or

2 (C) Any other war or armed conflict that has occurred since May 8, 1975, and in
3 which the resident earned an armed forces expeditionary medal or theater of operations service
4 medal.

5 II. The commissioner shall nominate each division director for appointment by the
6 governor, with the consent of the council. Each division director shall serve for a term of 4 years.
7 Vacancies shall be filled for the unexpired term. The directors shall be qualified to hold their
8 respective positions by reason of education and experience.

9 III. The salaries of the commissioner and the division directors shall be as specified in RSA
10 94:1-a.

11 21-V:6 Powers and Duties of the Commissioner. The commissioner shall:

12 I. Represent the public interest in the administration of the department and be responsible
13 to the governor, the general court, and the public for such administration.

14 II. Advocate for the welfare of military service members and veterans in New Hampshire
15 and be responsible for the operations of the department.

16 III. Seek the advice of the military leadership team and the state veterans advisory
17 committee.

18 IV. Enter into memoranda of understanding with other executive branch agencies to
19 coordinate services to veterans and military service members as may be appropriate.

20 V. Review, investigate, and assess the provision of any services to and for veterans and
21 military service members in New Hampshire.

22 VI. Represent the department on boards, commissions, committees, and professional
23 associations, or shall designate a designee.

24 VII. Serve as a liaison between the federal government and the governor on issues relevant
25 to the department's mission, and represent the department at various state and national
26 conventions, conferences, and public functions and provide supervision to the department public
27 relations program.

28 VIII. Identify and develop legislative proposals to improve the delivery of services to and for
29 veterans and military service members, review and monitor legislation introduced by the general
30 court, testify at hearings, and prepare legislative fiscal note work sheets. The commissioner shall
31 coordinate, implement, and administer programs mandated by the general court.

32 IX. Assume the duties set forth in RSA 115-C relative to the veterans' legal aid advocacy
33 project. The commissioner shall also assist in the development, coordination, and oversight of
34 programs for justice involved veterans in the state court system.

35 X. Assume the duties set forth in RSA 115-A regarding aid for veterans' programs.

36 XI. Prepare the department budget pursuant to RSA 9 and administer and monitor
37 expenditures for the department.

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1 XII. Apply for, accept, and expend funding from federal and other grant sources.

2 XIII. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the
3 continuance or granting of federal funds and to adopt all rules necessary to implement the specific
4 statutes administered by the department or by any division within the department.

5 XIV. Have the authority, subject to the approval of the governor and council to accept gifts,
6 contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and
7 other organizations or institutions for the purpose of furthering the policy objectives of the
8 department.

9 XV. Delegate authority to subordinates as he or she deems necessary and appropriate,
10 except that rulemaking authority shall not be delegated. The commissioner shall provide by
11 delegation for the deputy commissioner to exercise authority in the commissioner's absence. Such
12 delegation shall be made in writing, shall be disseminated to all division directors, shall clearly
13 delineate the authority delegated and the limitations thereto, and shall be kept on file in the
14 commissioner's office.

15 21-V:7 Deputy Commissioner.

16 I. The commissioner shall nominate a deputy commissioner who shall meet the qualification
17 requirements set forth in RSA 21-V:5, I(b).

18 II. The deputy commissioner shall perform such duties as are assigned by the
19 commissioner. The deputy commissioner shall assume the duties of the commissioner in the event
20 that the commissioner is unable for any reason to perform such duties.

21 III. The salary of the deputy commissioner shall be as specified in RSA 94:1-a.

22 21-V:8 Military Leadership Team.

23 I. There is hereby established a military leadership team which shall serve as an advisory
24 council and shall provide advice and guidance to the commissioner regarding the delivery of
25 services to veterans and military service members in New Hampshire. The military leadership
26 team shall consist of the following members:

27 (a) The director of the division of veterans services.

28 (b) The director of the division of community military programs.

29 (c) Representatives of organizations which provide services to veterans and military
30 service members in New Hampshire, appointed by the commissioner.

31 II. The military leadership team shall choose a chairman, vice-chairman, and a secretary
32 from their membership. The team may, by a majority vote of its members, adopt bylaws governing
33 the management and operation of the team.

34 21-V:9 State Veterans Advisory Committee.

35 I. There is hereby established a state veterans advisory committee, consisting of the
36 following members:

37 (a) Two members of the house of representatives, one of whom shall be from the

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1 committee with jurisdiction over military or veterans affairs, appointed by the speaker of the house
2 of representatives.

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

4 (c) Twenty representatives of veterans organizations in the state of New Hampshire,
5 appointed by the governor.

6 II. Legislative members of the committee shall receive mileage at the legislative rate while
7 attending to the duties of the committee. Legislative members of the committee shall serve a term
8 coterminous with their term in office. Each non-legislative member of the state veterans' advisory
9 committee shall serve a 2-year term of office from the date of the member's appointment, and may
10 be reappointed. The committee members shall choose a chairman, vice-chairman, and a secretary
11 from their membership. The committee may, by a majority vote of its members, adopt bylaws
12 governing the management and operation of the committee.

13 III. The committee shall provide advice and guidance to the commissioner regarding the
14 welfare and needs of veterans and military service members in New Hampshire.

15 IV. The committee shall issue biannual reports of its actions, findings, and
16 recommendations on May 1 and November 1 of each year to the commissioner, the speaker of the
17 house of representatives, the president of the senate, the governor and council, and all veterans
18 organizations in the state.

19 21-V:10 Administrative Attachment. The New Hampshire veterans' home and the New
20 Hampshire state veterans' cemetery shall be administratively attached to the department in
21 accordance with RSA 21-G:10.

22 2 New Subparagraph; Governor's Commission on Alcohol and Drug Abuse Prevention,
23 Treatment, and Recovery; Membership Amend RSA 12-J:1, III(a) by inserting after subparagraph
24 (11) the following new subparagraph:

25 (12) The commissioner of the department of military and veterans services, or
26 designee.

27 3 New Paragraph; Aid for Veterans' Programs; Definitions. Amend RSA 115-A:2 by inserting
28 after paragraph III the following new paragraph:

29 III-a. "Commissioner" means the commissioner of the department of military and veterans
30 services.

31 4 Veterans' Legal Aid Advocacy Project; Duties. Amend RSA 115-C:3 to read as follows:
32 115-C:3 Duties.

33 I. The veterans' legal aid advocacy project shall work to improve the lives of New
34 Hampshire veterans through legal aid advocacy on behalf of veterans in civil matters.

35 II. The ~~[state veterans council]~~ **commissioner of the department of military and**
36 **veterans services** shall serve as the veterans intake coordinator for the veterans' legal aid
37 advocacy project.

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1 III. New Hampshire Legal Assistance shall provide legal representation to veterans in a
2 manner consistent with the purpose outlined in RSA 115-C:1 and the New Hampshire Rules of
3 Professional Conduct.

4 IV. The ~~[state veterans council]~~ ***commissioner of the department of military and***
5 ***veterans services*** and New Hampshire Legal Assistance shall do outreach with veterans' service
6 organizations and homeless shelters to reach the veteran homeless population that may need legal
7 aid advocacy services.

8 V. The ~~[state veterans council]~~ ***commissioner of the department of military and***
9 ***veterans services***, New Hampshire Legal Assistance, and the pro bono section of the New
10 Hampshire Bar Association shall coordinate with the veterans' service organizations, the New
11 Hampshire National Guard, and other veterans' service providers, in the efficient provision of
12 veterans' legal aid advocacy services. The ~~[state veterans council]~~ ***commissioner of the***
13 ***department of military and veterans services*** and New Hampshire Legal Assistance shall
14 create general guidelines on case acceptance and priorities, reviewing those guidelines and
15 priorities every 2 years.

16 VI. The ~~[state veterans council]~~ ***commissioner of the department of military and***
17 ***veterans services***, New Hampshire Legal Assistance, and the ~~[Pro Bono Section]~~ ***pro bono section***
18 of the New Hampshire Bar Association shall work to increase the number of private attorneys for
19 referrals of veterans' cases, including, but not limited to, veterans' family law cases.

20 VII. The ~~[state veterans council]~~ ***commissioner of the department of military and***
21 ***veterans services***, New Hampshire Legal Assistance, and the ~~[Pro Bono Section]~~ ***pro bono section***
22 of the New Hampshire Bar Association shall work to provide information sessions and legal advice
23 for veterans and their families.

24 VIII. The veterans' legal aid advocacy project shall provide legal aid training to veterans'
25 advocates.

26 IX. The veterans' legal aid advocacy project shall report annually to the governor, the
27 general court, and the ~~[state veterans council]~~ ***commissioner of the department of military and***
28 ***veterans services*** on the number of veterans served, the results, and the number of veterans that
29 could not be served.

30 5 Commission on Post-Traumatic Stress Disorder and Traumatic Brain Injury; Membership.
31 Amend RSA 115-D:2, I(e) to read as follows:

32 (e) The ~~[director of the state office of veterans services]~~ ***commissioner of the***
33 ***department of military and veterans services***, or designee.

34 6 New Subparagraph; New Hampshire Council on Suicide Prevention; Membership. Amend
35 RSA 126-R:3, I by inserting after subparagraph (w) the following new subparagraph:

36 (x) The commissioner of the department of military and veterans services, or designee.

37 7 Repeal. The following are repealed:

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1 I. RSA 115, relative to the state office of veterans services.

2 II. RSA 115-A:2, VI and VII, relative to the definitions of state veterans' advisory committee
3 and the office of veterans services.

4 III. RSA 115-A:8, relative to the state veterans' advisory council.

5 8 Effective Date. This act shall take effect July 1, 2018.

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2017-2441h

AMENDED ANALYSIS

This bill establishes the department of military and veterans services, an agency of the state. The bill also repeals the state office of veterans services and the state veterans advisory council.