

Bill as Introduced

SB 517-FN-A - AS INTRODUCED

2010 SESSION

10-2964
08/01

SENATE BILL **517-FN-A**

AN ACT establishing a veterans' legal aid advocacy project and making an appropriation therefor.

SPONSORS: Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Downing, Dist 22; Sen. Gallus, Dist 1; Sen. Hassan, Dist 23; Sen. Houde, Dist 5; Sen. Lasky, Dist 13; Sen. Letourneau, Dist 19; Sen. Merrill, Dist 21; Sen. Odell, Dist 8; Sen. Roberge, Dist 9; Rep. Baldasaro, Rock 3; Rep. K. Roberts, Ches 3; Rep. R. Ober, Hills 27; Rep. P. Garrity, Hills 14; Rep. Emiro, Rock 3

COMMITTEE: Finance

ANALYSIS

This bill establishes a veterans' legal aid advocacy project and makes an appropriation for such project.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT establishing a veterans' legal aid advocacy project and making an appropriation therefor.

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

1 1 Purpose.

2 I. The legislature finds that:

3 (a) Approximately 10 percent of New Hampshire's population are veterans.

4 (b) New Hampshire veterans of all ages have faced difficulty securing and maintaining
5 public benefits, livable income, and safe and affordable housing.

6 (c) New Hampshire veterans currently returning from service in Afghanistan and Iraq
7 are confronted with psychological, physical, and economic obstacles that sometimes require legal
8 advocacy, including a high reported incidence of post-traumatic stress disorder and traumatic brain
9 injury.

10 (d) Many veterans are low to moderate income and cannot afford attorneys. Veterans in
11 rural areas encounter greater difficulties acquiring counsel.

12 (e) Pursuant to RSA 115:4, II(b), the director of the state veterans council has identified
13 a significant need for pro bono legal advocacy for veterans and has determined that the creation of
14 the veterans' legal aid advocacy project is a possible model that could improve the delivery of services
15 to veterans.

16 (f) Hundreds of New Hampshire veterans are homeless. Many are unaware of services
17 available to them. Targeted legal outreach may help bring some veterans out of poverty.

18 (g) Veterans' legal aid advocacy projects have been developed in other states.

19 (h) New Hampshire Legal Assistance is a state-wide legal aid program with expertise in
20 public benefits, disability advocacy, and housing advocacy.

21 (i) In 2009, the general court created a committee to study the creation of a veterans'
22 legal aid advocacy project. That committee has concluded that:

23 (1) Hundreds of veterans seek help from the state veterans council each year, on
24 issues ranging from housing foreclosures, to evictions, to unemployment insurance, to family law, to
25 property taxes, and to disability and veterans administration related claims. As an agency with
26 personnel trained insofar as dealing with quasi-legal issues generally through the United States
27 Department of Veterans Affairs, the state veterans council has referral capability only to help
28 veterans that seek legal assistance in civil matters and does not employ attorneys;

29 (2) Hundreds of veterans seek help from the veterans' service organizations in the
30 state of New Hampshire each month, on issues ranging from housing foreclosures, evictions, utility

1 disconnections, property taxes, disability and veterans administration related claims, and Social
2 Security Administration cases. The veterans' service organizations have a limited amount of money
3 to help veterans, and no network of attorneys to refer veterans to for help;

4 (3) Hundreds of veterans seek help from New Hampshire Legal Assistance each
5 year, on issues ranging from housing foreclosures, to evictions, to unemployment insurance, and to
6 disability and veterans administration related claims. New Hampshire Legal Assistance only has the
7 resources to help a fraction of the veterans that seek its help;

8 (4) The number of veterans seeking legal help is increasing as more service members
9 are returning from Iraq and Afghanistan and facing difficult personal and financial situations;

10 (5) More advocacy in Social Security Disability claims, service-connected disability
11 claims and pension claims on behalf of veterans will bring in significant federal money not only to
12 needy and entitled veterans, but also to local communities throughout New Hampshire;

13 (6) The state veterans council, New Hampshire Legal Assistance, and the New
14 Hampshire Pro Bono Section of the Bar Association have the expertise and experience to implement
15 and coordinate the efficient and effective delivery of veterans' legal aid services to the state's
16 veterans;

17 (7) New staff at the state veterans council, New Hampshire Legal Assistance, and
18 the Pro Bono Section of the Bar Association is needed to provide legal aid advocacy for more of the
19 veterans that need help;

20 (8) Private funding is not available in the level and consistency required to create
21 and sustain adequate staffing of a veterans' legal aid advocacy project; and

22 (9) It is in the best interests of the state of New Hampshire to provide general fund
23 moneys to fund a veterans' legal aid advocacy project.

24 II. The purpose of this act is to establish a veterans' legal aid advocacy project in New
25 Hampshire.

26 2 New Chapter; Veterans' Legal Aid Advocacy Project. Amend RSA by inserting after chapter
27 115-B the following new chapter:

28 CHAPTER 115-C

29 VETERANS' LEGAL AID ADVOCACY PROJECT

30 115-C:1 Purpose. The purpose of this chapter is to address the unmet, dire civil legal needs of
31 New Hampshire's veterans, and to advocate and safeguard veterans' benefits or preferences to which
32 they may be entitled under any state or federal laws or regulations, particularly in the areas of
33 housing, employment and unemployment, and veterans' disability and pension claims.

34 115-C:2 Eligibility. Persons eligible for services from the veterans' legal aid advocacy project
35 shall:

36 I. Meet the definition of "veteran" as provided in RSA 21:50;

1 II. Be ordered to active duty resulting from action by Congress or the President, under any
2 law, for an expansion of the active armed forces in accordance with 10 U.S.C. sections 12301, 12302,
3 12304, 12305, or successor statutes; or

4 III. Be discharged under other than dishonorable conditions, as long as the discharge was
5 caused, in some way, by traumatic brain injury, post-traumatic stress disorder, sexual trauma, a
6 combat related injury or illness, or other traumatic injuries or illnesses.

7 115-C:3 Duties.

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

10 II. The state veterans council shall serve as the veterans intake coordinator for the veterans'
11 legal aid advocacy project.

12 III. New Hampshire Legal Assistance shall provide legal representation to veterans in a
13 manner consistent with the purpose outlined in RSA 115-C:1 and professional code of ethics.

14 IV. The state veterans council and New Hampshire Legal Assistance shall do outreach with
15 veterans' service organizations and homeless shelters to reach the veteran homeless population that
16 may need legal aid advocacy services.

17 V. The state veterans council, New Hampshire Legal Assistance, and the pro bono section of
18 the New Hampshire Bar Association shall coordinate with the veterans' service organizations, the
19 New Hampshire National Guard, and other veterans' service providers, in the efficient provision of
20 veterans' legal aid advocacy services. The state veterans council and New Hampshire Legal
21 Assistance shall create general guidelines on case acceptance and priorities, reviewing those
22 guidelines and priorities every 2 years.

23 VI. The state veterans council, New Hampshire Legal Assistance, and the pro bono section
24 of the New Hampshire Bar Association shall work to increase the number of private attorneys for
25 referrals of veterans' cases, including, but not limited to, veterans' family law cases.

26 VII. The state veterans council, New Hampshire Legal Assistance, and the pro bono section
27 of the New Hampshire Bar Association shall work to provide information sessions and legal advice
28 for veterans and their families.

29 VIII. The veterans' legal aid advocacy project shall provide legal aid training to veterans'
30 advocates.

31 IX. The veterans' legal aid advocacy project shall report annually to the governor, the
32 general court, and the state veterans council on the number of veterans served, the results, and the
33 number of veterans that could not be served.

34 115-C:4 Veterans' Legal Aid Advocacy Project Fund.

35 I. There is established in the office of the state treasurer a separate fund to be known as the
36 veterans' legal aid advocacy project fund. The money in this fund shall be continually appropriated
37 to the state veterans council, and it shall contract with New Hampshire Legal Assistance and the pro

1 bono section of the New Hampshire Bar Association to provide legal advocacy and otherwise fulfill
2 the duties outlined in RSA 115-C:3.

3 II. Beginning July 1, 2011, the veterans' legal aid advocacy project shall be funded from
4 general funds at not less than \$550,000 each year.

5 3 Appropriation; State Veterans Council. For fiscal year 2011, beginning July 1, 2010 and
6 ending June 30, 2011, the state veterans council, with approval from the fiscal committee of the
7 general court and the governor and council, may expend up to \$550,000 for the purpose of funding
8 the veterans' legal aid advocacy project. The governor is authorized to draw a warrant for said sum
9 out of any money in the state treasury not otherwise appropriated.

10 4 New Subparagraph; Veterans' Legal Aid Advocacy Project Fund. Amend RSA 6:12, I(b) by
11 inserting after subparagraph (299) the following new subparagraph:

12 (300) Moneys deposited into the veterans' legal aid advocacy project fund established
13 in RSA 115-C:4, I.

14 5 Effective Date. This act shall take effect July 1, 2010.

LBAO
10-2964
Revised 03/09/10

SB 517-FN-A - FISCAL NOTE

AN ACT establishing a veterans' legal aid advocacy project and making an appropriation therefore.

FISCAL IMPACT:

The New Hampshire State Veterans Council states this bill would increase state general fund expenditures by \$542,348 in FY 2011, \$558,618 in FY 2012, \$575,377 in FY 2013, and by an indeterminable amount in FY 2014. This bill would have no fiscal impact on state, county, and local revenue, or county and local expenditures.

The bill would authorize the Council to expend up to \$550,000 in FY 2011 from funds not otherwise appropriated (state general funds), with prior approval of the Fiscal Committee and Governor and Council, for the purpose of this bill.

METHODOLOGY:

The New Hampshire State Veterans Council states this bill establishes a veterans' legal aid advocacy project. The bill establishes a Veteran's Legal Aid Advocacy Project Fund which would be continually appropriated to the Veterans Council. Beginning in FY 2012, the bill would require the project to be funded with state general funds at not less than \$550,000 annually. Although this bill does not establish positions, the Council estimates it would need to hire two program specialist positions (Labor Grade 18) with salary and benefit costs of approximately \$134,908 (\$67,454 per position). The Council states it would contract with New Hampshire Legal Assistance (NHLA) for two staff attorneys with salary and benefit costs of \$174,800 (\$87,400 per position), a paralegal with salary and benefit costs of \$71,800, and a legal secretary with salary and benefit costs of \$60,840. In addition, the Council would enter into a \$50,000 contract with the New Hampshire Bar Association for the purposes of this bill. The Council estimates training, outreach and education costs associated with the project would total \$50,000 annually. The total fiscal impact as follows -

	FY 2011
New Hampshire State Veterans Council Staff	\$134,908
New Hampshire Legal Assistance Staff Contract	\$307,440
New Hampshire Bar Association Staff Contract	\$50,000
Training/Outreach/Education	<u>\$50,000</u>
Total	\$542,348

SB 517-FN-A - AS INTRODUCED

- Page 6 -

LBAO
10-2964
Revised 03/09/10

Assuming annual inflation of approximately 3%, the Council estimates this bill would increase state general fund costs by \$558,618 in FY 2012, \$575,377 in FY 2013, and by an indeterminable amount in FY 2014.

Amendments



Amendment to SB 517-FN-A

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

2

3 AN ACT establishing a veterans' legal aid advocacy project.

4

5 Amend subparagraphs I(i)(6)-(9) as inserted by section 1 of the bill by replacing them with the
6 following:

7

8 (6) The state veterans council, New Hampshire Legal Assistance, and the New
9 Hampshire Pro Bono Section of the Bar Association have the expertise and experience to implement
10 and coordinate the efficient and effective delivery of veterans' legal aid services to the state's
11 veterans; and

12 (7) New staff at the state veterans council, New Hampshire Legal Assistance, and
13 the Pro Bono Section of the Bar Association is needed to provide legal aid advocacy for more of the
14 veterans that need help.

15

16 Amend RSA 115-C:4 as inserted by section 2 of the bill by replacing it with the following:

17

18 115-C:4 Funding. Funding for the veterans legal advocacy project established by this chapter
19 shall be contingent upon the receipt of grants or federal funds for such purpose. The veterans legal
20 advocacy project shall report on the availability and acquisition of federal appropriations and grants
21 to the governor and the general court.

22

23 Amend the bill by deleting sections 3-4 and renumbering the original section 5 to read as 3.



2010-1110s

AMENDED ANALYSIS

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2010-1135s

AMENDED ANALYSIS

This bill establishes a veterans' legal aid advocacy project.

Committee Minutes

Finance Committee

Hearing Report

To: Members of the Senate

From: Sonja Caldwell
Legislative Aide

Re: **SB517-FN-A** – *establishing a veterans' legal aid advocacy project and making an appropriation therefor.*

Hearing date: March 18, 2010

Members present: Sen. D'Allesandro, Sen. Janeway, Sen. Larsen, Sen. Hassan, Sen. Sgambati, Sen. Odell, Sen. Gallus

Members absent:

Sponsor(s): Sen. Barnes, Jr., Dist 17; Sen. Bradley, Dist 3; Sen. Carson, Dist 14; Sen. Downing, Dist 22; Sen. Gallus, Dist 1; Sen. Hassan, Dist 23; Sen. Houde, Dist 5; Sen. Lasky, Dist 13; Sen. Letourneau, Dist 19; Sen. Merrill, Dist 21; Sen. Odell, Dist 8; Sen. Roberge, Dist 9; Rep. Baldasaro, Rock 3; Rep. K. Roberts, Ches 3; Rep. R. Ober, Hills 27; Rep. P. Garrity, Hills 14; Rep. Emiro, Rock 3

What the bill does: This bill establishes a veterans' legal aid advocacy project and makes an appropriation for such project.

Who supports the bill: Sen. Barnes, Sen. Gallus, Sen. Merrill, Sen. Lasky, Barry Conway (Veteran's Home), Daw Feltes, John Tobin, Derek Chamberlan, Dennis Viola, Jamie Tessier, Dianna Camac, Michael Horne (State Veterans Advocacy Comm), Stephen Burrirt (Adjutant General's Office), Sen. Houde, Mary Morin (NH State Veterans Council), David Kenney (Reserve Officers Association)

Who opposes the bill: No one

Summary of testimony received:

Senator Barnes

This bill comes as a result of a commission established last session to address problems veterans are having. There is a \$550,000 appropriation in the bill.

This is very important to a lot of our returning veterans. Governor Lynch has offered to help bring people together to work on these problems.

Senator Houde

Supports the policy. There is a gap in services that need to be provided to veterans but understands the costs of the bill could be an issue.

Mary Morin - Veteran's Council

Supports the bill. This is a result of 2 prior pieces of legislations, SB237, which established a study committee and HB1335 - another study commission. There is a need for pro bono legal advocacy for veterans. There are approximately 135,000 veterans in NH, which represents 10% of the population. None of their staff are attorneys. They need to collaborate with an attorney. This would be a meaningful endeavor. This request is three years in the making.

Senator D'Allesandro asked her if she has ever been in contact with Jim Wright. He has been active in veterans affairs.

Ms. Morin said no.

Commander David Kenney - Reserve Officers Association

In support of the bill. He has a personal story why the legislation is important. He is currently assisting his daughter as her husband is being deployed. They have been embroiled in contentious imminent domain issue in Arizona. Services such as this, if it were offered, would be beneficial for them. It puts soldiers at risk if they aren't totally focused on their mission.

John Tobin and Dan Feltes

Need for project is laid out in purpose provisions of the bill. The goal of the project is to supplement the existing work of veterans service organizations. They have limited pools of money from three organizations: the veterans council, legal assistance and the pro bono bar association. They need to train attorneys to take complicated cases on a pro bono basis. They would support an amendment to authorize the project but not fund it this year.

They already service veterans but have to turn some away and they want to do more. They support authorizing the project for some future time. They are working on securing federal funding with Senator Shaheen.

Stephen Burritt - Deputy Adjutant General

In support of the bill. Vietnam veterans are amongst the most needy we have. We have legal assistance for those who are on duty at moment but when they leave active duty, it becomes very limited and this bill would provide that service to them.

Derek Chamberlan

Runs veterans housing programs. The people he works with have disabilities that make it difficult to deal with life changing situations. They are at risk of becoming chronically homeless.

Hearing closed

Speakers

SENATE FINANCE COMMITTEE

Date 3/18/10

Time 10:30 a.m.

Public Hearing on

SB517-FN-A

(establishing a veterans' legal aid advocacy project and making an appropriation therefor..)

Please check box(es) that apply.

SPEAKING FAVOR			OPPOSED			NAME (Please print)	REPRESENTING	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Sen. John Gallus	Dist 1	X
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				Mary Moran	NH State Veterans Council	X
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Sen. Lasky	Dist. 13	X
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				David Kenney	Reserve Officers Assoc	X
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Barry Conus	NH Veterans Home	X
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				Genl Mitchell		
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				Theresa Cadorette	Region 10 CSS Inc	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				Laurie A. McCray	Parent of Michael Nowak	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				DAW FELTES + John Tobin	(New Hampshire Legal Assistance)	X
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Dick Chamberlain	Warrior Homes	X
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				Freda Smith	myself	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Dennis Viola	self	X
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Jamie Tessier	self.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Dianna (Anna) C	self	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				MICHAEL HORNE	STATE VETERANS ADVISORY CMT	X
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Stephen Burnett Brig Gen (R)	Adjutant General's Office	X
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				XXXXXXXXXXXX	XXXXXXXXXXXX	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				Sen. Matt Honder	SDS	X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						

SENATE FINANCE COMMITTEE

Date 3/18/10

Time 10:30 a.m.

Public Hearing on

SB517-FN-A

(establishing a veterans' legal aid advocacy project and making an appropriation therefor..)

Please check box(es) that apply.

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

Senator Amanda Merrill

X

Testimony

**Testimony in Support of SB 517
Veterans Legal Aid Advocacy Project**

Russ Armstrong, Ph.D.
Chair, Veterans Sub-Committee
State Committee on Aging

I am pleased to submit this testimony in support of SB 517 both as an individual veteran and as a representative of the State Committee on Aging (SCOA).

SCOA has been following the development of the study committee's activities and continues to unanimously support both the project and this bill. This testimony has changed little since first presented when the veterans' legal advocacy study committee was introduced. That is because the challenges for older veterans have not abated. Older veterans suffer the same legal entanglements as their younger counterparts and many of them lack the resources to resolve their legal issues. We see this in the long-term effects of combat stress which can be "baggage" carried by veterans throughout their lives and can result in repetitive law infringement, marital, familial and financial distress, homelessness and suicide. Some entered into legal agreements during deployment, such as transfer of power of attorney, only to have overlooked them upon returning. These can come back to affect veterans and their spouses in later years, especially in cases of divorce or death of a spouse. Like some younger veterans, older veterans also find themselves in financial distress which jeopardizes their ability to remain in their homes. Access to legal assistance specializing in veterans' issues would be of great benefit to these veterans.

Especially troublesome are the adversarial battles with the VA over veterans' benefits that can drag on for years, often involving legal issues proving that their afflictions are service connected. For example, we received a report of a Korean War veteran who had suffered the effects of PTSD for many years. His attempts to receive recognition of, and treatment for, his affliction as being service-connected were met with continued denial from the VA. He was frustrated by the "system" until his death, leaving his wife with minimal resources and facing bankruptcy. Cases like this should not be happening and legal assistance for veterans might help to prevent such tragedies.

Our Veterans Sub-Committee has had the privilege to meet with the staff and older veterans clients at the Vet Center in Manchester. Among the many topics discussed was the possibility of legal assistance to veterans in need. Both the veterans and the staff strongly endorsed the idea. They pointed out the service-connected problems of loss of earning power, unstable lives, marital distress, job loss, etc. which often lead to limited resources and legal entanglements in later years. Even the rather simple procedures such as end-of-life planning can become major burdens for elder veterans suffering the effects of TBI and PTSD. Again, a veterans' legal advocacy program would be of great benefit.

We at SCOA believe the establishment of a legal advocacy for veterans program has great merit and we fully endorse this bill.

Voting Sheets

Senate Finance Committee EXECUTIVE SESSION

Bill # SBS17

Hearing date: 3-18-10
 Executive session date: _____
 Motion of: OTPIA

Room: State House - Room 100

VOTE: 7-0

Made by
Senator: D'Allesandro
 Janeway
 Larsen
 Hassan
 Sgambati
 Odell
 Gallus

Seconded
by Senator: D'Allesandro
 Janeway
 Larsen
 Hassan
 Sgambati
 Odell
 Gallus

<u>Committee Member</u>	<u>Present</u>	<u>YES</u>	<u>NO</u>	<u>Reported out by</u>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Senator Janeway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Senator Larsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Senator Hassan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Senator Sgambati	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hassan
Senator Odell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Senator Gallus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

*Amendments: 1110 sg Jan

NOTES: Makes funding contingent upon receipt
of federal
Our intent is to establish the project & let them
go after grants

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 18, 2010

THE COMMITTEE ON Finance

to which was referred Senate Bill 517-FN-A

AN ACT establishing a veterans' legal aid advocacy project and
 making an appropriation therefor.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 7-0

AMENDMENT # 1135s

Senator Margaret Wood Hassan
For the Committee

Sonja Caldwell 271-2117