

CHAPTER 255  
HB 524 – FINAL VERSION

6Mar2013... 0475h  
06/06/13 1963s  
26June2013... 2146CofC  
26June2013... 2199EBA

2013 SESSION

13-0540  
08/04

HOUSE BILL **524**

AN ACT relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

SPONSORS: Rep. Major, Rock 14; Rep. Graham, Hills 7; Rep. Baldasaro, Rock 5; Rep. Weyler, Rock 13; Rep. Theberge, Coos 3; Rep. Kappler, Rock 3

COMMITTEE: State-Federal Relations and Veterans Affairs

---

ANALYSIS

This bill:

I. Allows the adjutant general to enter into contracts for construction or improvement of facilities.

II. Makes changes to the National Guard scholarship fund.

III. Does not extend certain pay and benefits to nonactive duty personnel.

This bill is a request of the adjutant general.

---

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 255  
HB 524 – FINAL VERSION

6Mar2013... 0475h  
06/06/13 1963s  
26June2013... 2146CofC  
26June2013... 2199EBA

13-0540  
08/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                    relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

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

1            255:1 National Guard Facilities. Amend RSA 110-B:28, IV to read as follows:

2            IV.(a) The adjutant general may cooperate with and enter into **contracts or** agreements  
3 with the federal government, or any agency thereof, as he or she deems desirable to secure the  
4 participation of the United States government, through the allotment of federal funds, in the costs of  
5 constructing, enlarging, or altering armories, **the state veterans cemetery**, or other military  
6 facilities. ***The adjutant general may contract with the federal government to perform  
7 construction for building renovations or site improvements to existing state-owned  
8 facilities or land, subject to the approval of the capital budget overview committee  
9 established in RSA 17-J. Any affected municipalities shall receive notice at least 14 days  
10 prior to the capital budget overview committee meeting at which such projects are slated to  
11 be approved. Such federally contracted and completely federally funded projects shall  
12 either:***

13                            (1) ***Within 90 days prior to the end of the federal fiscal year, be designed and  
14 ready for bidding; or***

15                            (2) ***Where such project design is incomplete and not ready for bid, a contract  
16 may be entered into within 210 days prior to the end of the federal fiscal year.***

17            (b) ***The adjutant general may adopt procedures relative to this section to ensure  
18 the best interest of the federal and state of New Hampshire governments and the national  
19 guard, including notice procedures that simultaneously provide project details to all  
20 interested parties.***

21            255:2 National Guard Scholarship Fund Established. Amend RSA 110-B:60 to read as follows:

22            110-B:60 National Guard Scholarship Fund Established. For the purposes of encouraging  
23 enlistment and retention in the national guard and to provide for education benefits for members of  
24 the national guard in the state, there is hereby established in the state treasury a separate fund to  
25 be known as the New Hampshire national guard [~~recruitment and retention~~] scholarship fund from  
26 which the state treasurer shall make payments as may be authorized by the scholarship committee.

CHAPTER 255  
HB 524 – FINAL VERSION  
- Page 2 -

1 The fund shall be a non-lapsing fund.

2 255:3 Revenue for Scholarship Fund. Amend RSA 110-B:61 to read as follows:

3 110-B:61 Revenue for Scholarship Fund. All revenue received from sources other than  
4 governmental agencies during any fiscal year from the rental of all national guard armories in this  
5 state shall be credited by the state treasurer to the New Hampshire national guard [~~recruitment and~~  
6 ~~retention~~] scholarship fund as established in RSA 110-B:60.

7 255:4 Scholarship Fund Committee. Amend RSA 110-B:62 to read as follows:

8 110-B:62 Scholarship Fund Committee. *Under such regulations as the adjutant general*  
9 *may prescribe*, the fund established pursuant to RSA 110-B:60 shall be administered by a  
10 scholarship committee consisting of the adjutant general or his *or her* designee, the commissioner of  
11 education or his *or her* designee, one person appointed by the governor, one member of the house of  
12 representatives committee on [~~public protection and veterans~~] *state-federal relations and*  
13 *veterans* affairs appointed by the speaker of the house and one member of the senate appointed by  
14 the president of the senate. The appointed members shall serve a 2-year term and may be  
15 reappointed for an additional term. The committee shall make the final determination of the  
16 recipients of the scholarships offered in any fiscal year. [~~The scholarship awards shall be made~~  
17 ~~annually between the close of the fiscal year and the following September 1.~~]

18 255:5 Eligible Recipients. Amend RSA 110-B:63 to read as follows:

19 110-B:63 Eligible Recipients. The scholarships shall be awarded to members in good standing of  
20 the New Hampshire national guard for the purpose of assisting in tuition payments at institutions of  
21 higher learning or postsecondary education located within the state. [~~No scholarship award to any~~  
22 ~~one person shall exceed \$750 per fiscal year.~~]

23 255:6 Educational Assistance Authorized; Minimum Requirements. Amend RSA 110-B:63-c, III  
24 to read as follows:

25 III. Have first utilized any post-September 11, 2001 tuition benefit[;] *and* other federally  
26 funded military tuition assistance[; ~~and national guard scholarship grants~~]. Montgomery GI bill  
27 benefits, post-September 11, 2001 educational program housing, allowance, federal educational  
28 entitlements, *national guard scholarship grants*, and other non-tuition benefits shall be  
29 excluded from consideration when determining eligibility for a tuition waiver under this section.

30 255:7 Pay and Allowances. Amend RSA 110-B:37, IV to read as follows:

31 IV. [~~(a)~~] In addition to the pay authorized under paragraphs I and III of this section, any  
32 state employee who is a member of a reserve or the national guard and who is called to full-time  
33 active duty by the President of the United States, under the authority of the governor, or under the  
34 authority of another governor who participates in the Emergency Management Assistance Compact,  
35 shall, for the duration of such full-time active duty, be entitled to special leave with partial pay and  
36 continuation of benefits as follows:

**CHAPTER 255**  
**HB 524 – FINAL VERSION**  
**- Page 3 -**

1                   ~~[(1)]~~**(a)** Partial pay shall be the difference between the employee's regular state  
2 compensation and the employee's full-time military basic pay and allowances, if the full-time  
3 military basic pay and allowances total less than the regular state pay.

4                   ~~[(2)]~~**(b)** Continuation of health and dental insurance benefits for which the employee  
5 and/or the employee's legal dependents are otherwise eligible but for the employee's special leave;  
6 provided, however, that in the event of a deployment for which federal health and dental benefits are  
7 provided, the federal health and dental benefits shall be primary for the employee.

8                   ~~[(3)]~~**(c)** Retirement benefits shall continue to be provided in accordance with  
9 RSA 100-A and RSA 100-C.

10                   ***(d) Notwithstanding any provision of this chapter to the contrary, this section***  
11 ***does not apply to inactive duty for training or annual training.***

12                   ~~[(b) The adjutant general shall, on a monthly basis, provide the department of~~  
13 ~~administrative services with a list of all members of the national guard affected under subparagraph~~  
14 ~~(a) and their respective military salaries, and other reserve units are encouraged voluntarily to~~  
15 ~~provide the same information.]~~

16                   255:8 Effective Date. This act shall take effect 60 days after its passage.

17 Approved: July 24, 2013

18 Effective Date: September 22, 2013