

CHAPTER 264  
HB 498 – FINAL VERSION

8Jan2014... 2255h  
05/15/14 1744s  
4Jun2014... 1986CofC

2014 SESSION

13-0069  
04/03

HOUSE BILL **498**

AN ACT permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays, relative to preferences for veterans and disabled veterans in public employment, and repealing the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury.

SPONSORS: Rep. J. Belanger, Hills 27; Rep. Baldasaro, Rock 5; Rep. Sapareto, Rock 6; Rep. Kappler, Rock 3; Rep. Itse, Rock 10; Rep. Hansen, Hills 22; Rep. LeBrun, Hills 32; Rep. Gargas, Hills 27; Rep. Tucker, Rock 23

COMMITTEE: Criminal Justice and Public Safety

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AMENDED ANALYSIS

This bill:

I. Permits an exception to the unauthorized use of firearms and firecrackers law for the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for approved military or veterans events, commemorative events, funerals, or national holidays.

II. Requires the state to give a preference in hiring to veterans and disabled veterans in public employment.

III. Repeals the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans, contingent upon the passage of SB 298 of the 2014 regular legislative session.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                    permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays, relative to preferences for veterans and disabled veterans in public employment, and repealing the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury.

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

1            264:1 New Paragraph; Unauthorized Use of Firearms and Firecrackers; Exception. Amend  
2 RSA 644:13 by inserting after paragraph II the following new paragraph:

3            III. Paragraph I shall not apply to the firing or discharge of a cannon, gun, pistol, or other  
4 firearm within the compact part of a town or city for the following events, provided that the person  
5 responsible for organizing the event notifies the police department of the following events:

6            (a) The celebration of, or practice for the celebration of, military events, military  
7 funerals, national holidays, or other military or veterans commemorations, conducted by  
8 United States armed forces personnel; or

9            (b) Military re-enactors registered with the secretary of state's office; or

10           (c) Funerals or commemorative events conducted by law enforcement agencies, fire  
11 departments, emergency medical services, or other public safety agencies.

12           264:2 New Chapter; Veterans' Preference in Public Employment. Amend RSA by inserting after  
13 chapter 99-E the following new chapter:

CHAPTER 99-F

VETERANS' AND DISABLED VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT

15           99-F:1 Veterans' Preference in Public Employment. The state of New Hampshire shall grant a  
16 preference in hiring to veterans and disabled veterans.

17           99-F:2 Definitions. In this chapter:

18           I. "Active duty" means full-time duty under Title 10 of the United States Code as an enlisted  
19 member, or as a commissioned or warrant officer, in any branch of the armed forces of the  
20 United States. Active duty shall not include attendance at a school under military orders, except  
21 schooling incident to an active enlistment or a regular tour of duty, or normal military training as a  
22 reserve officer or member of an organized reserve or a national guard unit.

23           II. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast  
24 Guard, including:  
25

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- 1 (a) The Army Reserve.
- 2 (b) The Navy Reserve.
- 3 (c) The Marine Corps Reserve.
- 4 (d) The Air Force Reserve.
- 5 (e) The Coast Guard Reserve.
- 6 (f) The Army National Guard of the United States.
- 7 (g) The Air National Guard of the United States.

8 III. “Combat zone” means an area designated by the President of the United States by  
9 executive order in which, on the dates designated by executive order, the armed forces of the  
10 United States are or have engaged in combat.

11 IV. “Disabled veteran” means:

- 12 (a) A person entitled to disability compensation under the laws administered by the  
13 United States Department of Veterans Affairs;
- 14 (b) A person whose discharge or release from active duty was for a disability incurred or  
15 aggravated in the line of duty; or
- 16 (c) A person who was awarded the Purple Heart for wounds received in combat.

17 V. “Public employer” means the state or any department of the state and any person  
18 authorized to act on behalf of the state or any department of the state with respect to control,  
19 management, or supervision of any employee.

20 VI. “Veteran” means a person who:

- 21 (a) Served on active duty with the armed forces of the United States:
  - 22 (1) For more than 178 consecutive days and was honorably discharged or released  
23 from active duty;
  - 24 (2) For 178 days or less and was honorably discharged or released from active duty;
  - 25 or
  - 26 (3) For at least one day in a combat zone and was honorably discharged or released  
27 from active duty; or
- 28 (b) Received a combat or campaign ribbon for service in the armed forces of the  
29 United States.

30 99-F:3 Eligibility for Employment Preference.

31 I. A veteran or disabled veteran may use the preference for a position for state employment  
32 at any time after discharge or release from service in the armed forces of the United States.

33 II. A veteran or disabled veteran may claim the preference an unlimited number of times.

34 99-F:4 Application Process.

35 I. At each stage of the application process, a public employer shall grant a preference to an  
36 otherwise qualified veteran or disabled veteran who successfully completes an initial application

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1 screening and an application examination, or a state employment test administered by the public  
2 employer to establish eligibility for a vacant position for state employment.

3 II. For an initial application screening used to develop a list of persons for interviews, the  
4 public employer shall add 5 preference points to a veteran's score and 10 preference points to a  
5 disabled veteran's score.

6 III. For an application examination, administered after the initial application screening that  
7 results in a score, the public employer shall add 5 preference points to a veteran's and 10 preference  
8 points to a disabled veteran's total combined examination score without allocating the points to any  
9 single feature or part of the examination. The veteran or disabled veteran shall pass the  
10 examination with a qualifying score to be eligible to receive the veterans' preference.

11 IV. If a public employer uses an application examination that does not result in a score, the  
12 public employer shall devise and apply methods by which it gives special consideration in the hiring  
13 decision to veterans and disabled veterans.

14 99-F:5 Appointment to a Position.

15 I. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a  
16 vacant position for state employment if the results of a veteran's or disabled veteran's application  
17 examination, when combined with the veteran's or disabled veteran's preference, are equal to or  
18 higher than the results of an application examination for an applicant who is not a veteran or  
19 disabled veteran.

20 II. A public employer may base a decision not to appoint the veteran or disabled veteran  
21 solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant  
22 position for state employment.

23 III. A public employer that does not appoint a veteran or disabled veteran to a vacant  
24 position for state employment, shall upon written request of the veteran or disabled veteran, provide  
25 an explanation of its decision.

26 99-F:6 Proof of Eligibility.

27 I. A public employer shall require an applicant, at the time of application, to provide proof  
28 that the applicant is an eligible veteran or disabled veteran in order to be eligible for the veterans' or  
29 disabled veterans' preference.

30 II. An applicant for a position with a public employer who claims a veteran's or disabled  
31 veteran's preference shall submit as proof of eligibility:

32 (a) A copy of a qualifying document as outlined in RSA 21:50, I(b) with the application  
33 for employment; and

34 (b) Disabled veterans shall submit a copy of their veteran's summary of benefits letter  
35 from the United States Department of Veterans Affairs, unless the information is included in the  
36 appropriate federal discharge documents.

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1           III. If an applicant's record appears to show service qualifying for the preference, the public  
2 employer may provisionally designate an applicant as an eligible veteran or disabled veteran.  
3 However, before the applicant can be appointed, he or she shall submit proof of entitlement to the  
4 preference.

5           99-F:7 Rulemaking. The department of administrative services shall adopt rules pursuant to  
6 RSA 541-A to implement the provisions of this chapter.

7           264:3 Repeal. 2011, 84:2, relative to the prospective repeal of the commission to study the  
8 effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the  
9 line of duty by members of the armed forces and veterans, is repealed.

10          264:4 Contingency. If SB 298 of the 2014 regular legislative session becomes law, then section 3  
11 of this act shall take effect upon its passage. If SB 298 of the 2014 regular legislative session does  
12 not become law, then section 3 of this act shall not take effect.

13          264:5 Effective Date.

14           I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

16 Approved: July 28, 2014

17 Effective Date: I. Section 3 shall take effect as provided in section 4

18           II. Remainder shall take effect July 28, 2014