

CHAPTER 214  
HB 1635-FN-A – FINAL VERSION

05/15/14 1809s  
4Jun2014... 1996CofC

2014 SESSION

14-2851  
09/10

HOUSE BILL            ***1635-FN-A***

AN ACT                relative to community mental health programs and making appropriations therefor and relative to disposition of funds obtained by the attorney general.

SPONSORS:            Rep. Wallner, Merr 10; Rep. Nordgren, Graf 12; Sen. Larsen, Dist 15; Sen. D'Allesandro, Dist 20

COMMITTEE:          Finance

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AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services and the department of justice to pay costs related to mental health services in integrated community settings pursuant to a comprehensive settlement agreement with the United States Department of Justice.

This bill also:

I. Requires the fiscal committee of the general court to approve the expenditure or distribution of monetary settlements received by the state.

II. Requires the deposit of a portion of judgments over a specified amount in the revenue stabilization reserve account.

III. Requires the attorney general to submit a report to the fiscal committee of the general court relative to all legal settlements received by the state.

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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to community mental health programs and making appropriations therefor and relative to disposition of funds obtained by the attorney general.

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

1           214:1 Department of Health and Human Services; Appropriation for Mental Health Services.

2           I. In addition to any other sums appropriated for fiscal years 2014 and 2015, the sum of  
3 \$517,458 for the fiscal year ending June 30, 2014, and the sum of \$8,549,419 for the fiscal year  
4 ending June 30, 2015 are hereby appropriated to the department of health and human services.  
5 These appropriations shall be a charge against funds specified as follows:

6   05 Health and Social Services

7   95 Department of Health and Human Services

8   9200 Division of Behavioral Health

9   5945 CMH Program Support

Fiscal Year 2014

Fiscal Year 2015

10   010 Personal Services-Prem. Classified

\$122,967

\$254,297

11   060 Benefits

\$56,991

\$120,116

12   103 Contracts for Operational Services

\$337,500

\$8,175,007

13   TOTAL:

\$517,458

\$8,549,419

14   Estimated Source of Funds

15   Federal Funds

\$187,985

\$2,852,822

16   General Funds

\$329,473

\$5,696,597

17   Total Source of Funds

\$517,458

\$8,549,419

18           II. The appropriations in paragraph I shall be made available for the sole purpose of  
19 expanding and enhancing mental health service capacity in integrated community settings pursuant  
20 to the comprehensive settlement agreement with the United States Department of Justice  
21 concerning Amanda D., et al. v. Hassan, et al.; United States v. New Hampshire, No.1:12-CV-53 (SM)  
22 and in accordance with RSA 14:35-b. The governor is hereby authorized to draw a warrant for said  
23 sums out of any money in the treasury not otherwise appropriated. General fund moneys  
24 appropriated under this paragraph may be offset by funds received from the Medicaid section 1115  
25 demonstration waiver authorized under RSA 126-A:67. Sums appropriated in this section shall not  
26 be expended for any other purpose and shall not lapse.

27           214:2 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by

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1 inserting after section 6-d the following new section:

2 7:6-e Disposition of Funds Obtained by the Attorney General.

3 I. No money received by the attorney general, on behalf of the state or its citizens as a result  
4 of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or  
5 other action or threatened action, shall be expended or otherwise distributed until authorized by the  
6 fiscal committee of the general court, except in those instances where the disposition of money  
7 received by the attorney general is already provided for in statute. Additionally, whenever the  
8 department of justice receives judgment or settlement money in excess of \$1,000,000, the first 10  
9 percent of those funds shall be transferred to the revenue stabilization reserve account established in  
10 RSA 9:13-e.

11 II. Upon resolving a matter described in paragraph I, the attorney general shall promptly  
12 report to the fiscal committee of the general court any money received under this section. All reports  
13 under this paragraph shall include, but shall not be limited to:

14 (a) The date of the judgment or settlement.

15 (b) The reason for the judgment or settlement.

16 (c) The purpose for which the judgment or settlement is to be used.

17 (d) The amount of the judgment or settlement.

18 (e) An accounting of the allocation of each judgment or settlement.

19 III. This section shall not apply to fines received by the attorney general in criminal cases,  
20 penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b through RSA 318-  
21 B:17-d, fines or civil penalties authorized by state law as a result of enforcement actions taken by  
22 state agencies or the attorney general, and money received on behalf of a victim or the state as  
23 restitution.

24 214:3 Effective Date.

25 I. Section 2 of this act shall take effect 60 days after its passage.

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

27  
28 Approved: July 11, 2014

29 Effective Date: I. Section 2 shall take effect September 9, 2014.

30 II. Remainder effective July 11, 2014.