

Bill as Introduced

SB 509 - AS INTRODUCED

2010 SESSION

10-2945

05/04

SENATE BILL **509**

AN ACT establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award.

SPONSORS: Sen. Barnes, Jr., Dist 17; Sen. Hassan, Dist 23; Sen. Lasky, Dist 13; Sen. Carson, Dist 14; Rep. Pepino, Hills 11; Rep. Baldasaro, Rock 3; Rep. K. Roberts, Ches 3

COMMITTEE: Election Law and Veterans' Affairs

ANALYSIS

This bill repeals the New Hampshire service awards and transfers funds remaining in the New Hampshire serve award account to the New Hampshire medal of honor fund.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award.

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

1 1 New Sections; New Hampshire Medal of Honor Fund. Amend RSA 110-B by inserting after
2 section 81 the following new sections:

3 110-B:81-a Gifts, Grants, and Donations. Notwithstanding any other provision of law, the
4 adjutant general may solicit and receive monetary gifts, grants, or donations for the purpose of
5 paying costs of the design, manufacture or production, and distribution of the New Hampshire medal
6 of honor as provided in RSA 110-B:81.

7 110-B:81-b New Hampshire Medal of Honor Fund. There is established in the office of the state
8 treasurer a fund to be known as the New Hampshire medal of honor fund. All monetary gifts,
9 grants, and donations received by the adjutant general pursuant to RSA 110-B:81-a shall be
10 deposited in such fund. The fund is established to pay the costs of the design, manufacture or
11 production, and distribution of the New Hampshire medal of honor under this subdivision. The
12 money in this fund shall be nonlapsing and shall be continually appropriated to the adjutant general.

13 2 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
14 subparagraph (299) the following new subparagraph:

15 (300) Moneys deposited in the New Hampshire medal of honor fund, established in
16 RSA 110-B:81-b.

17 3 Transfer of Funds. Any funds remaining in the New Hampshire service award fund on
18 June 30, 2010 shall be transferred to the New Hampshire medal of honor fund, established in
19 RSA 110-B:81-b.

20 4 Repeal. RSA 115-A:23 through 115-A:28, relative to the New Hampshire service awards, are
21 repealed.

22 5 Effective Date. This act shall take effect June 30, 2010.

CHAPTER 197
SB 509 - FINAL VERSION

2010 SESSION

10-2945
05/04

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SB 509 – FINAL VERSION

10-2945
05/04

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19 RSA 110-B:81-b.

20 197:4 Repeal. RSA 115-A:23 through 115-A:28, relative to the New Hampshire service awards,
21 are repealed.

22 197:5 Effective Date. This act shall take effect June 30, 2010.

23 Approved: June 21, 2010

24 Effective Date: June 30, 2010

Committee Minutes

SENATE CALENDAR NOTICE ELECTION LAW AND VETERANS' AFFAIRS

- ↳ Senator Bette Lasky Chairman
- ↳ Senator Matthew Houde V Chairman
- ↳ Senator Amanda Merrill
- ↳ Senator John Barnes, Jr.
- ↳ Senator Sharon Carson

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 3, 2010

HEARINGS

Monday

3/8/2010

ELECTION LAW AND VETERANS' AFFAIRS

LOB 101

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

8:30 AM SB508

establishing the state office of veterans services.

8:40 AM SB509

establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award.

Sponsors:

SB508

Sen. John Barnes, Jr.
Rep. Alfred Baldasaro

Sen. Bette Lasky
Rep. Kris Roberts

Sen. Sharon Carson
Sen. Margaret Hassan

Rep. Leo Pepino

SB509

Sen. John Barnes, Jr.
Rep. Leo Pepino

Sen. Margaret Hassan
Rep. Alfred Baldasaro

Sen. Bette Lasky
Rep. Kris Roberts

Sen. Sharon Carson

*Start 8:40
and 9:00*

Election Law and Veteran's Affairs

Hearing Report

TO: Members of the Senate

FROM: Shannon Whitehead, *Legislative Aide*

RE: Hearing report on **SB 509: AN ACT establishing the New Hampshire Medal of Honor fund and repealing the New Hampshire service award.**

HEARING DATE: March 8, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senator Lasky, Senator Merrill, Senator Barnes and Senator Carson.

MEMBERS OF THE COMMITTEE ABSENT: Senator Houde

Sponsor(s): Sen. Barnes, Jr., Dist 17; Sen. Hassan, Dist 23; Sen. Lasky, Dist 13; Sen. Carson, Dist 14; Rep. Pepino, Hills 11; Rep. Baldasaro, Rock 3; Rep. K. Roberts, Ches 3

What the bill does: This bill repeals the New Hampshire service awards and transfers funds remaining in the New Hampshire serve award account to the New Hampshire Medal of Honor fund.

Who supports the bill: Senator Barnes, Senator Lasky and Rep. Kris Roberts.

Who opposes the bill: No one appeared in opposition.

Summary of testimony received:

Senator Barnes: Prime Sponsor

- This bill repeals the New Hampshire service awards and transfers funds remaining in the New Hampshire serve award account to the New Hampshire Medal of Honor fund. This legislation was formed because of a problem from legislation last year. The National Guard wanted this change.

- Senator Barnes stated to the committee that he was very surprised the National Guard was not present for this hearing this morning.

Rep. Kris Roberts: Co Sponsor:

- In support of the bill. This is a housekeeping bill.
- The Medal of Honor was put forward as the carbon copy of the Hawaii Medal of Honor Program. We wanted to make sure we did something for these individual who have served to provide medals to the family member of the deceased.
- The State of New Hampshire wants to give this honorable medal at the individual's memorial service, not 6 months later, they deserve this honor.
- Senator Merrill asked what the "problem" was. Rep. Roberts said there was a lack of funding.
- Senator Merrill stated that this is to transfer the fund from the N.H. Service Award to donations.
- Senator Lasky asked how much is in the fund. Senator Barnes responded that there is \$10,000 in the fund.
- Rep. Roberts said we just don't want the debt.
- Senator Merrill asked, prior to this, how was it paid for?
- Senator Barnes stated that there were private donations that were given, that is why the General, wanted this.
- Rep. Roberts said that the General controls issuance of the medals
- Senator Barnes mentioned that Kernel Swan would have been able to answer these questions, and expressed again that he was surprised he was not here.
- Senator Lasky requested that a letter be written from the legal counsel and from the General to the committee asking for its support and detail regarding this bill.

Funding: n/a

Future Action: Pending

KE

Date: March 8, 2010
Time: 8:46 AM
Room: LOB 101

The Senate Committee on Election Law and Veterans' Affairs held a hearing on the following:

SB 509 establishing the New Hampshire medal of honor fund and
 repealing the New Hampshire service award.

Members of Committee present: Senator Lasky
 Senator Merrill
 Senator Barnes
 Senator Carson

The Chair, Senator Bette Lasky, opened the hearing on Senate Bill 509 and invited the prime sponsor, Senator Barnes, to introduce the legislation.

Senator John S. Barnes, Jr., D. 17: Thank you, Madam Chair.

Senator Bette R. Lasky, D. 13: Good morning.

Senator John S. Barnes, Jr., D. 17: Members of this great Committee, for the record, I'm Senator Jack Barnes, Jr., representing Senate District 17.

Senate Bill 509 is in front of you because of a little bit of a problem that arose with the piece of legislation last year, and the National Guard, folks in the Guard, came to me and asked me to make some corrections.

The way the bill was set up they couldn't handle it, it was an impossible nightmare for them the way it was originally set up.

We have Representative Roberts behind me who was the instigator of the Medal of Honor bill in the first place and he kept a history of it and he knows exactly why the Guard wanted to have this changed, and that's why he's on this piece of legislation to follow through and to make sure that it's done correctly and can be handled by the Guard, so that we can carry forward with the thoughts of this piece of legislation.

KC

And I know that Representative Roberts is just itching to get up here and tell you folks all about this piece of legislation.

Senator Bette R. Lasky, D. 13: Thank you. Any questions for Senator Barnes? No. Seeing none, thank you very much for your testimony. And the Chair will call Representative Roberts. Thank you, good morning again.

Representative Kris Roberts: Good morning, Madam Chair. My name is Representative Kris Roberts from Keene, New Hampshire, representing Cheshire 3.

I'm here to give you a little background on the Medal of Honor. Three years ago, the Senate, on a unanimous twenty-four to nothing sponsors, entered the Medal of Honor, but it was a carbon copy of the State of Hawaii's Medal of Honor program.

While we've had a bunch of serious problems in there, but we thought the intentions were really honorable and we needed to do something for, especially we haven't had any women up, which is good in there, but we had a lot of young men who got killed in action in there and so we wanted to make sure we did something for the servicemen and their families for the State of New Hampshire.

So, we worked hard on it. We made some changes. We combined it with the Dignity and Funeral Act, but one of the biggest problems was there was no money there. And so, we felt that we had to get this passed and we'd find a way to pay for it, and it just went on and on. We had trouble with the design, there was a delay in the design of the medal and we just didn't want to give it out to anybody, and we just didn't want to give basically a crappy medal out. But again, the design and all the stuff costs money and to be able to provide the medal to the families, people didn't always look at did you have a mother, father, divorced, more medals.

There was a whole bunch of other problems, so the number of medals required went up and basically, this is going to give them the opportunity to provide the medals a way of funding and to provide the medals to the family member of the deceased service member in there.

We just felt that it was the right way to do, we need to clean it up and, but another major goal is, you want the State of New Hampshire to present it when the funeral is going. You don't want the State of New Hampshire to wait six months, a year or eighteen months after the fact to cause the family members to relive their personal tragedy.

KC

And so, this again would easily correct the problem and we could give them the honor they deserve.

Senator Bette R. Lasky, D. 13: Thank you, Representative. Are there any questions? Senator Merrill?

Senator Amanda Merrill, D. 21: Thank you, Madam Chair. Thank you, Representative Roberts. When you say correct the problems, can you just briefly say what the problem was?

Representative Roberts: There was a lack of funding.

Senator Amanda Merrill, D. 21: Okay. So, follow up?

Senator Bette R. Lasky, D. 13: Yes, please.

Senator Amanda Merrill, D. 21: So, the way in which this bill fixes that is?

Representative Roberts: It eliminates, it transfers the funds from the New Hampshire Service Award, but then it also allows people to make donations to the fund. The same thing that we did with the at the State Cemetery a couple of years ago. They had no way to accept, can't pronounce the word, bequest and other stuff, so this would be allowed to do that, 'cause there's a lot of people out there that want to help.

Senator Amanda Merrill, D. 21: So that's the fund that's established, and yup, I got it. Thank you.

Senator Bette R. Lasky, D. 13: Representative, do you have any idea how much money is in that fund?

Representative Roberts: No, I do not.

Senator John S. Barnes, Jr., D. 17: Ten thousand dollars.

Senator Bette R. Lasky, D. 13: And thank you, Senator Barnes. And do either one of you know what it will cost to get this medal going or to issue?

Representative Roberts: They already have the medal going and I think they've already issued a number of them, but the unfortunate part is we still have young men and probably in the future young women who are going to die in their service of the country, so we don't want to have that gap.

KC

Senator Bette R. Lasky, D. 13: May I ask you one last, how was it paid for prior to this?

Senator John S. Barnes, Jr., D. 17: That I don't have the answer for, Madam Chair. I don't know how that was. I know there was some donations kicked in there, I know it was fuzzy and that's why the General wanted to get this thing changed to...

Representative Roberts: 'cause, uhmm...

Senator John S. Barnes, Jr., D. 17: It was more of a legal type situation.

Senator Bette R. Lasky, D. 13: Okay.

Representative Roberts: The uhmm, the military industry, I think it's the BIA, there's one in New Hampshire.

Senator Bette R. Lasky, D. 13: It was privately donated.

Representative Roberts: It was privately in there and they donated a number of funds under Senator Kennedy some of the work he was doing.

Senator Bette R. Lasky, D. 13: Okay. Okay. So, this then would be a designated fund that anyone could and it would actually not be within the State budget at all, correct?

Senator John S. Barnes, Jr., D. 17: That's my understanding.

Representative Roberts: The other one is, for example, if I die and say in lieu of flowers, we can donate the money to this fund.

Senator Bette R. Lasky, D. 13: And the Office of, I'm trying to think, would this be under, who would...

Representative Roberts: The Medal of Honor is under the Adjutant General.

Senator Bette R. Lasky, D. 13: It's in the Office of the State Treasurer.

Representative Roberts: The State Treasurer is responsible for the fund.

Senator Bette R. Lasky, D. 13: So, monies would be administered by the State then?

KC

Representative Roberts: I think we have a number of funds that the State Treasurer controls, but the State doesn't administrate, 'cause we had a list for a number of those.

Senator John S. Barnes, Jr., D. 17: The General controls the issuance of that medal.

Senator Bette R. Lasky, D. 13: Okay.

Senator John S. Barnes, Jr., D. 17: He is the, whoever the Adjutant General is, is the person who's responsible for...

Senator Bette R. Lasky, D. 13: And shall appropriate...

Senator John S. Barnes, Jr., D. 17: Making the decision who gets it and who doesn't.

Senator Bette R. Lasky, D. 13: Okay. So, what I'm getting at is that, the language in here is the appropriate language for this to happen?

Representative Roberts: To clean it up, so it's no longer, Senator Barnes says it's really fuzzy and I think it would be really inappropriate, even in tough times, to argue are we going to put money aside for a medal for people that have died in the line of duty. This protects, to put it bluntly, this protects others from ever going down that road.

Senator Bette R. Lasky, D. 13: Don't have to make those choices, I understand. Thank you.

Senator John S. Barnes, Jr., D. 17: If I may, Madam Chair?

Senator Bette R. Lasky, D. 13: Senator Barnes, sure, please.

Senator John S. Barnes, Jr., D. 17: I know you asked if this was correct. To the best of my knowledge, this was put together by the legal Colonel Swan over at the Adjutant General's Office. They're the ones that worked on this. They're the ones that and I'm very surprised they're not here, they must be tied up doing something else today, that's most unlike them not to be here for this. They could have answered these questions a lot better than I can.

Representative Roberts: Or I can.

Senator John S. Barnes, Jr., D. 17: But, they did run this through, here again, Colonel Swan is the attorney over there for them.

KC

Senator Bette R. Lasky, D. 13: Do either of you before, I hate to leave this hanging out before we exec it. Well, we'll see when we go into exec session if anybody is uncomfortable with the language at all. If we have a letter from someone over there just saying that...

Senator John S. Barnes, Jr., D. 17: I'm sure we could, I'm sure my right-hand...

Senator Bette R. Lasky, D. 13: I just don't want to have anymore unintended consequences and, you know, have this be something, you know, like what might have happened several years ago.

Senator John S. Barnes, Jr., D. 17: You know, I don't disagree with you and I think probably the best thing to do would be have my right-hand drop a line over there to the General and ask him to either contact, well...

Senator Bette R. Lasky, D. 13: Writing a letter would be best.

Senator John S. Barnes, Jr., D. 17: Write a letter to this Committee before we exec it and let him know we can't, we won't exec this until we hear from him.

Senator Bette R. Lasky, D. 13: But, that we do have a deadline.

Senator John S. Barnes, Jr., D. 17: We'd really like to get some input from the General and I don't have a problem with that. I think that's the proper way to do it. I don't disagree with that at all.

Senator Bette R. Lasky, D. 13: Okay. Thank you. Thank you, Representative.

Representative Roberts: Thank you.

Senator Bette R. Lasky, D. 13: Seeing no one else signed up to speak, is there anyone that would like to speak to Senate Bill 509? If not, I will close the hearing on Senate Bill 5009.

KC

Hearing concluded 9:00 am

Respectfully submitted,

A handwritten signature in black ink, reading "Kathryn Cummings". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Kathryn Cummings
Senate Committee Secretary
April 27, 2010

Speakers

Testimony

A



STATE OF NEW HAMPSHIRE
THE ADJUTANT GENERAL'S DEPARTMENT

BUSINESS ADMINISTRATION
STATE MILITARY RESERVATION
1 MINUTEMAN WAY
CONCORD, NEW HAMPSHIRE 03301-5607

William N. Reddel, III, Major General
The Adjutant General

Stephen C. Burritt, Brigadier General (ret.)
Deputy Adjutant General

Stephanie L. Milender
Administrator

Phone: 603-225-1360
Fax: 603-225-1341
TDD Access: 1-800-735-2964

March 9, 2010

Senator Bette R. Lasky
Chair, Election Law and Veterans' Affairs Committee
Room 101, Legislative Office Building
Concord, NH 03301

Dear Senator Lasky;

I have reviewed Senate Bill 509 and find that, as written, it meets the needs of the Adjutant General's Department. The direction found in the proposed 110-B:81-b is clear and will, when passed, provide the funding that will support the New Hampshire Medal of Honor Fund.

Thank you and the members of the Election Law and Veterans' Affairs Committee for your assistance in this important legislation.

Sincerely;

A handwritten signature in black ink, appearing to read "S. C. Burritt".

Stephen C. Burritt, BG (Ret)
Deputy Adjutant General

Voting Sheets

Senate Election Law & Veterans' Affairs Committee

EXECUTIVE SESSION

Bill # SB 509

Hearing date: 3/8/10

Executive session date: 3/10/10

Motion of: OTP

VOTE: 5-0

Made by Lasky
Senator: Houde
 Merrill
 Carson
 Barnes

Seconded Lasky
by Senator: Houde
 Merrill
 Carson
 Barnes

Reported Lasky
by Senator: Houde
 Merrill
 Carson
 Barnes

Motion of: _____

VOTE: _____

Made by Lasky
Senator: Houde
 Merrill
 Carson
 Barnes

Seconded Lasky
by Senator: Houde
 Merrill
 Carson
 Barnes

Reported Lasky
by Senator: Houde
 Merrill
 Carson
 Barnes

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Lasky, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Houde, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Barnes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 10, 2010

THE COMMITTEE ON Election Law and Veterans' Affairs

to which was referred Senate Bill 509

AN ACT establishing the New Hampshire medal of honor fund and
repealing the New Hampshire service award.

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

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Bette R. Lasky
For the Committee

Kathy Cummings 271-3207

New Hampshire General Court - Bill Status System

Docket of SB509

Docket Abbreviations

Bill Title: establishing the New Hampshire medal of honor fund and repealing the New Hampshire service award.

Official Docket of SB509:

Date	Body	Description
02/17/2010	S	Introduced and Referred to Election Law and Veterans' Affairs; SJ 7 , Pg.92
03/03/2010	S	Hearing: March 8, 2010, Room 101, LOB, 8:40 a.m.; SC10
03/10/2010	S	Committee Report: Ought to Pass 3/17/10; SC11
03/17/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 10 , Pg.163
03/17/2010	S	Passed by Third Reading Resolution; SJ 10 , Pg.169
03/18/2010	H	Introduced and Referred to State-Federal Relations and Veterans Affairs; HJ 27 , PG.1441
03/23/2010	H	Public Hearing: 4/1/2010 10:00 AM LOB 203
03/31/2010	H	Executive Session: 4/8/2010 1:15 PM LOB 203
04/13/2010	H	Majority Committee Report: Ought to Pass for April 21 (Vote 12-2; RC); HC 31 , PG.1536-1537
04/13/2010	H	Minority Committee Report: Inexpedient to Legislate; HC 31 , PG.1536-1537
04/21/2010	H	Ought to Pass: MA VV; HJ 35 , PG.1682-1683
04/21/2010	H	Referred to Ways and Means; HJ 35 , PG.1683
04/22/2010	H	Full Committee Work Session: 4/27/2010 10:15 AM LOB 202
04/28/2010	H	Executive Session: 4/28/2010 2:00 PM LOB 202
04/29/2010	H	Committee Report: Ought to Pass for May 5 (Vote 17-0; CC); HC 34 , PG.1625
05/05/2010	H	Ought to Pass: MA VV; HJ 38 , PG.1895
05/13/2010	H	Enrolled; HJ 42 , PG.2153
05/13/2010	S	Enrolled; SJ 19 , Pg.639
06/21/2010	S	Signed by the Governor on 06/21/2010; Effective 06/30/2010; Chapter 0197

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB509 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: A

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

8/19/10

Paula W. Cummings
COMMITTEE SECRETARY