

Bill as Introduced

HB 343-FN - AS INTRODUCED

2011 SESSION

11-0079
09/04

HOUSE BILL

343-FN

AN ACT

establishing a permanent state defense force.

SPONSORS:

Rep. Itse, Rock 9; Rep. Baldasaro, Rock 3; Rep. Welch, Rock 8; Rep. Kingsbury,
Belk 4

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill establishes a permanent state defense force.

This bill also removes the exemption from RSA 541-A for regulations and proclamations issued relative to the state guard.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a permanent state defense force.

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

1 1 Finding. The general court finds that a large portion of the New Hampshire national guard
2 has been and is on active duty outside the boundaries of the state and, therefore, finds it prudent to
3 heed the recommendation from the Department of Homeland Security to establish a permanent state
4 defense force by revising the militia statutes relative to the state guard.

5 2 Authority. Amend RSA 111:1 to read as follows:

6 111:1 Authority.

7 I. ~~[Whenever any part of the New Hampshire national guard is in the active service of the~~
8 ~~United States,]~~ The governor ~~[is hereby authorized to]~~ **shall** organize and maintain within this state
9 ~~[during such period],~~ under such regulations as the Department of Defense of the United States may
10 prescribe for discipline in training, and otherwise in general conformity with existing law,
11 regulations, rules, and practices pertaining to the national guard, ~~[such]~~ military forces ~~[as he may~~
12 ~~deem necessary]~~ to defend this state from invasion, rebellion, disaster, insurrection, riot, breach of
13 the peace or imminent danger thereof, or to maintain the organized militia.

14 II. The governor ~~[may]~~ **shall** authorize **and require** the adjutant general's department to
15 maintain a cadre of officers and enlisted personnel on a standby basis to prepare and maintain a
16 roster of available personnel and to plan for an active state guard ~~[in the event of the mobilization of~~
17 ~~all or a part of the New Hampshire national guard. The provisions of RSA 541-A shall not apply to~~
18 ~~any regulations or proclamations issued pursuant to RSA 111].~~ **The purpose of the state guard**
19 **shall be the defense of the state: to coordinate the resources of the state and interface**
20 **between the state and the national guard in time of emergency or natural disaster and to**
21 **defend the state against invasion.**

22 3 Composition. Amend RSA 111:2 to read as follows:

23 111:2 Composition.

24 ↘ I. Such military forces shall be composed of commissioned officers and such able-bodied
25 citizens of the state as shall volunteer for service therein, ~~[supplemented, if necessary, by the~~
26 ~~unorganized militia enrolled by draft and subject to military duty as provided by RSA 110-B]~~ and, in
27 addition to active units, may include inactive and reserve components **as defined in this section.**
28 No person shall be appointed or enlisted in the state guard who is a member of any other military
29 force of the United States or the state of New Hampshire, or who has any service obligation to any of
30 the armed forces of the United States, except that a retired military member may be appointed or
31 enlisted in the state guard, if otherwise qualified.

1 **II. The active state guard shall be comprised of those active reserve state guard**
2 **members called into actual service by the governor of the state.**

3 **III. The active reserve state guard shall be comprised of those citizens of the state**
4 **who volunteer for service in the active reserve state guard. Active service in the state**
5 **guard shall be for a period of one year and members shall be subject to such discipline as**
6 **is determined by the adjutant general of the state.**

7 **IV.(a) The inactive reserve state guard shall be comprised of all able-bodied**
8 **residents of the state who are 18 years of age or older, who are, or have declared their**
9 **intention to become, citizens of the United States, and who are not serving in the**
10 **national guard or the active reserve state guard or exempt under subparagraph (b)**
11 **unless such exempt person volunteers to serve in the inactive reserve state guard.**
12 **Inactive reserve state guard members may participate in any training provided for the**
13 **active reserve state guard. Inactive reserve state guard members may hold commissions**
14 **up to the rank of captain without specific assignment having held equivalent or higher**
15 **rank in the armed forces of the United States of America or the New Hampshire**
16 **national guard, or if their training or education qualifies them for such rank, provided**
17 **that their time in grade shall always be inferior to those of equal rank in the active**
18 **reserve state guard. Members of the inactive reserve state guard may volunteer for**
19 **service in an actual emergency for such period or periods of time as their**
20 **circumstances will allow.**

21 **(b)(1) The following persons shall be exempt from inclusion in the inactive**
22 **reserve state guard:**

23 **(A) Elected or appointed officials of the government of the United States**
24 **of America;**

25 **(B) Elected or appointed officials of the government of the state of**
26 **New Hampshire;**

27 **(C) An employee of the state of New Hampshire;**

28 **(D) Elected or appointed officials of a political subdivision of the state of**
29 **New Hampshire and employees of a political subdivision of the state of New Hampshire;**

30 **(E) A physician, nurse, medical technician, or a critical employee of an**
31 **energy, communication, or food supply company designated as such by the company;**

32 **(F) Any person who is disqualified under part 1, article 13 of the**
33 **New Hampshire constitution; and**

34 **(G) Any person who is disabled.**

35 **(2) Exemption shall not prevent any person from volunteering for the**
36 **inactive reserve state guard in such capacity as his or her circumstances allow.**

37 **4 Pay and Allowances. RSA 111:7 is repealed and reenacted to read as follows:**

1 111:7 Pay and Allowances. RSA 110-B:37 and any other provisions of RSA 110-B which relate to
2 pay shall not apply to the state guard. Members of the state guard shall receive no pay or other form
3 of compensation from the state.

4 5 Equipment. RSA 111:8 is repealed and reenacted to read as follows:

5 111:8 Equipment. The state shall not be required to supply equipment or uniforms to the state
6 guard. The state may supply equipment or uniforms to the state guard which is considered surplus
7 or obsolete by the national guard or which is donated by a service organization. The state guard may
8 apply for grants and donations to pay for equipment and supplies. The state guard may also apply to
9 the armed forces of the United States of America for surplus equipment.

10 6 New Section; Administration. Amend RSA 111 by inserting after section 8 the following new
11 section:

12 111:8-a Administration. The field staff and regimental commanders of the state guard shall
13 administer the training and records of the state guard.

14 7 Acceptance of Gifts Prohibited. Amend RSA 111:23 to read as follows:

15 111:23 Acceptance of Gifts Prohibited. The acceptance of gifts, donations, gratuities, or
16 anything of value by [~~the state guard or by~~] any *individual* member of [~~such forces~~] *the state*
17 *guard* from any individual, firm, association, or corporation, by reason of such membership is
18 prohibited. Violation of this section may be cause for dishonorable discharge from further service as
19 a member of the state guard.

20 8 Repeal. RSA 110-B:1, IV, relative to the unorganized militia, is repealed.

21 9 Effective Date. This act shall take effect 60 days after its passage.

LBAO
11-0079
01/18/11

HB 343-FN - FISCAL NOTE

AN ACT establishing a permanent state defense force.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

HB 343 FISCAL NOTE

AN ACT establishing a permanent state defense force.

FISCAL IMPACT:

The Adjutant Generals Department states this bill will increase state general fund expenditures by \$480,118 in FY 2012, \$512,612 in FY 2013, \$529,969 in FY 2014 and \$560,528 in FY 2015. This bill will have no fiscal impact on state, county, and local revenues or county and local expenditures.

METHODOLOGY:

The Adjutant Generals Department states this bill establishes a permanent state defense force. The Department states the bill does not specify the size of the force. The Department states it does not have the space to house or train an additional cadre of officers and enlisted personnel nor would it be able to absorb any additional expenditures associated with the permanent state defense force. The Department estimates it will need to add at least five administrative positions (one program specialist and four program assistants) as a result of creating a permanent state defense force. The Department assumes the program specialist at a labor grade 25, step 8 max, and the program assistants at a labor grade 15, step 4 in order to hire individuals at the level of expertise that would be needed. The costs are as follows:

	FY 2012	FY 2013	FY 2014	FY 2015
One Program Specialist (LG 25, max)	\$60,567	\$60,567	\$60,567	\$60,567
Benefits	27,755	29,347	31,141	33,125
Four Program Assistants (LG 16, step 5)	140,160	151,400	157,560	164,348
Benefits	91,636	99,298	107,700	116,988
Current expense	55,000	65,000	65,000	75,000
Equipment	8,000	10,000	10,000	10,000
Leased Office Space	90,000	95,000	96,000	98,000
Travel	2,000	2,000	2,000	2,000
Total	\$475,118	\$512,612	\$529,968	\$560,028

This bill does not contain an appropriation or authority for additional positions.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 343-FN

BILL TITLE: establishing a permanent state defense force.

DATE: 2/24/11

LOB ROOM: 306 **Time Public Hearing Called to Order:** 9:30 am

Time Adjourned: 11:05 am

(please circle if present)

Committee Members: Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vital, Perkins, Winter, Bowers, Hansen, Proulx, Whitehead, P. Schmidt, Pilotte, Jeudy and Sullivan.

Bill Sponsors: Rep. Itse, Rock 9; Rep. Baldasaro, Rock 3; Rep. Welch, Rock 8; Rep. Kingsbury, Belk 4

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dan Itse – Introduced Bill

Takes from optional status to compulsory status. Gives _____ to description to state guards as listed in bill (see methodology on fiscal note). Will see how will it co-ordinate with national guard

Rep. Pratt – How would it be different?

Rep. Itse - Has a more structure

Rep. Whitehead – Will it be under control of NG

Rep. Itse – NO

Rep. Whitehead – How does it establish its _____?

Rep. Itse – All commissions given by governor

Rep. Bowers – Line 3 – what was recommended

Rep. Itse – A state structure is assumed

Rep. Winter – Uniformed and equipped force

Rep. Itse – Uniformed – Yes – Equipped – NO

Rep. Schmidt – Line 7 & Line 25

Rep. Itse – If situation requires police protection – If it can't be taken care of locally

Rep. Pilotte – Line 30

Rep. Hansen - Line 7 – Page 62 – What constitutional rights to give up

Rep. Gould – Provision for workers' comp

Rep. Itse – Was a recommendation

Rep. Schmidt – Line 18 – 21

Rep. Itse – This was suggested this would be done by state guard

Rep. Whitehead – Envision body to beat disposal of state

Rep. Itse – Would be at disposal/request of governor

***David Copson**

Rep. Winter – Active and inactive

Rep. Itse – Anybody in service (active)

Will Hopkins – Director of NH Peace Action – Bill has no background check – No

Rep. Kingsbury – Lines 1 & 11 answers a lot of ??? People have asked
Providing people sheriff can ask for more _____ in NH than any other state

Jon Byron – NH State Guard Welcome Force – FEMA does same thing

***Maj. Gen. William Reddell** – State is liable for any person is hurt
Adjutant General will be in charge – no money

David Copson – President can active National Guard at any time

Mary Lee Sargent – College Instructor (History) Unnecessary – state is broke

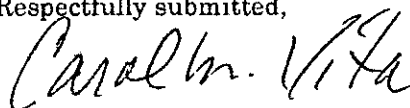
Jennifer Taylor – Context – Balance – Needs 5 amendments – for federal and state

Vincent Milano – Subcommittee

Garrett Lear – Patriot Pastor of American Liberty

Rep. Fred Rice –

Respectfully submitted,



Carol M. Vita, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 343-FN

BILL TITLE: establishing a permanent state defense force.

DATE: 2/24/11

LOB ROOM: 306

Time Public Hearing Called to Order: 930

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Committee Members: Reps. McGuire, Hawkins, Sytek, Day, Gould, Pratt, Vita, Perkins, Winter, Bowers, Hansen, Proulx, Whitehead, P. Schmidt, Pilotte, Jeudy and Sullivan.

Bill Sponsors: Rep. Itse, Rock 9; Rep. Baldasaro, Rock 3; Rep. Welch, Rock 8; Rep. Kingsbury, Belk 4

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

REP. DAN ITSE - INTRO -

REP PRATT -

REP WHITEHEAD

REP BOWERS

REP WINTERS

REP SCHMIDT

REP GOULD

WILL HOPKINS - DIR OF NH PEACE ACTION - LEC WITH

S REP KINGSBURY

O WILL THOMAS - FISCAL - 8TH

S JON BYRON - NH STATE GUARD WELCOME FORCE

* MAJ. GEN WM. REDDELL - ADJUTANT GENERAL

REP HANSEN

S DAVID COPSON

O MARY LEE SARGENT - COLLEGE INSTR. (HISTORY) - UNNECESSARY ITL

S JENNIFER TAYLOR

S VINCENT MILANO

S PATRIOT PASTOR GARRETT LEAR HEROES OF AMERICAN LIBERTY
D REP FRED RICE

HB 343

- ITSE Takes from optional status to compulsory status
Gives Perm to description to state guards as listed
in bill (see methodology on fiscal note)
- well see How wide it co-ordinates w/ nat'l guard
- Pratt How would it be different
- ITSE Has a more structure
- Whitehead Well, it be under control of N G
- ITSE Not under AG (NO)
- WHITEHEAD How does it establish it's arm
- ITSE All commission given by Governor
- BOWERS LN 3 - what was recommended
- ITSE A state structure is assumed
- WINTER UNIFORMED + EQUIPED FORCE
- ITSE UNIFORMED - YES EQUIPED - NO
- SCHMIDT LN 7 + LN 25
- ITSE IF SITUATION REQUIRES POLICE PROTECTION - IF IT CAN'T
BE TAKEN CARE OF LOCALLY
- PILOTTE LN 30 -
- HANSON LN 7 - PAGE 2 WHAT CONSTITUTIONAL RIGHTS TO
GIVE UP
- GOULD PROVISION FOR WORKERS COMP
- ITSE WAS A RECOMMENDATION
- SCHMIDT LN 18 - 21
- ITSE THIS WAS SUGGESTED THIS WOULD BE DONE BY STATE GUARD
- WHITEHEAD ENVISSION BODY TO BE AT DISPOSAL OF STATE
- ITSE WOULD BE AT DISPOSAL / REQUEST OF GOV.

DAVID COPSON *

WINTER ACTIVE & INACTIVE

ITBE ANYBODY IN SERVICE (ACTIVE)

HOPKINS - BILL HAS NO BACKGROUND CHECK NO.

~~HANDSON~~ NEED FOR

KINGSBURY - LW - 1 & 11 AUG. A LOT OF ? PEOPLE HAVE ASKED

* PROVIDING PEOPLE SHERIFF CAN ASK FOR MORE VETS IN NH THAN ANY OTHER STATE

BYLON FEMA DOES SAME THING

REDDILL - STATE IS LIABLE FOR ANY PERSON IS HURT

ADJUTANT GEN. WILL BE IN CHG - NO MONEY

COPSON
FANDY PRES. CAN ACTIVATE N.C. AT ANY TIME (EPSON)

SARGENT UNNECESSARY STATE IS BROKE - STATE IS NEGLECTED

TAYLOR CONTENT - BALANCE - NEED ⁵ AMENDMENTS - FOR FEDERAL & STATE

MILANO - SUB COM.

SUB COM GARRET LEAR - PATRIOT PASTOR OF AMERICAN LIBERTY REPUBLIC

RICE - POPSKI'S GENERAL ARMY (CITEUR)

Sub-Committee Actions

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 343-FN

BILL TITLE: establishing a permanent state defense force.

DATE: 3/3/11

Subcommittee Members: Reps. Pratt, Whitehead, Winter

Comments and Recommendations: Conflicting info; potential for volunteer resources

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Pratt

Seconded by Rep. Whitehead

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Calvin D. Pratt
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 343-FN

BILL TITLE: establishing a permanent state defense force.

DATE: 3-3-2011

Subcommittee Members: Reps. Pratt, Whitehead, Winter

Comments and Recommendations: Conflicting info; potential for volunteer resources.

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Pratt

Seconded by Rep. Whitehead

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. C. D. Pratt

Subcommittee Chairman/Clerk

Testimony

TAYLOR
343 FN

Context

It is imperative that this bill be reviewed in the context in which it will be implemented.

Executive Order Establishing the Council of Governors - Signed 11/11/2010 by President Obama
http://www.whitehouse.gov/sites/default/files/2010executive_order.pdf

"synchronization and integration of State and Federal military activities in the United States; and other matters of mutual interest pertaining to National Guard, homeland defense, and civil support activities." While HB 343-FN defines the composition of the inactive reserve state guard, it is the Council of Governors who will, in implementation terms, activate the inactive guard.

Executive Order 12425 - Signed on 12/17/2009 by President Obama

<http://www.whitehouse.gov/the-press-office/executive-order-amending-executive-order-12425>

This Executive Order grants the International Criminal Police Organization (INTERPOL) full diplomatic immunity as set forth in the United States International Organizations Immunities Act of 1945.

By removing language from President Reagan's 1983 Executive Order 12425, this international law enforcement body now has the power to operate on American soil beyond the reach of our local, state, and federal law enforcement and judicial system.

INTERPOL now has full immunity from U.S. laws and is immune from Freedom of Information Act (FOIA) requests. Members of the reserve state guard serving alongside INTERPOL, or in some cases subordinate to INTERPOL, will be subject to the laws on the country and the regulations of the Department of Defense, while INTERPOL will have complete immunity.

Codification of Executive Orders – Chapter 44 Emergency Management and Assistance

<http://www.archives.gov/federal-register/codification/chapter-44.html>

Provisions are made for involuntary work brigades, and the federalization of state reserve guard.

Balance

We have a long history of trying to create a balance between the interest of the state and the interest of the federal government. House Bill 343-FN appears on the surface to be in the interest of the state as it would provide a means for the state to defend its' citizenry and sovereignty. But taken in context of federal legislation, HB343-FN takes the able bodied NH citizenry and delivers them to the command and control of the federal government.

A balance must be struck between the interest of the government and the interest of the citizenry. HB343-FN, in combination with other federal laws and orders, provides the government with almost all of NH's able bodied citizens over the age of eighteen. Those that object or resist are to subject to discipline under such regulations as the Department of Defense of the United States. The Government has full command and control of the NH population. The interests of the Government are well served in this bill.

HB343-FN offers nothing to the NH citizen. It takes EVERYTHING. Parents with young children and ageing and disabled relatives are removed from their homes. They are subject to inoculations and implantable RFID chips. NH residents may find themselves in NH, on the Mexican border, or in the Middle East fighting a global conflict. No provisions are made for the family members who are dependent on those called to serve. It is for this reason that everyone in the State of NH is affected.

Moving Forward

It is through Executive Orders and laws that the Government seeks command and control over the NH population. It is fitting then, that through laws, the interests of the citizen shall be reaffirmed. This bill should move forward, but it should aim to restore the balance between the state and federal government, as well as restore the balance between the Government and the NH Citizens.

The State of NH can achieve a strong reserve state guard and reaffirm the rights of NH citizens by implementing these targeted amendments:

- 1. No NH Citizen shall be required to join the inactive or active reserve state guard if they refuse for conscientious reasons.**
- 2. As the reserve state guard may be called upon to protect the sovereignty of the State of NH, no member of the inactive or active reserve state guard may be federalized.**
- 3. Under no circumstances may a NH citizen be forcibly injected with any device or substance.**
- 4. During a state of emergency, no NH resident will be forcibly removed from their residence or property.**
- 5. Reserve state guards from other states and the International Criminal Police Organization (INTERPOL), when deployed within the State of NH, will be subject to the laws of the State of NH and will not have immunities granted consistent with Executive Order 12425.**



STATE OF NEW HAMPSHIRE
OFFICE OF THE ADJUTANT GENERAL
STATE MILITARY RESERVATION, 1 MINUTEMAN WAY
CONCORD, NEW HAMPSHIRE 03301-5607

William N. Reddel III, Major General
The Adjutant General

Phone: 603-225-1200
Fax: 603-225-1257
TDD Access: 1-800-735-2964

NHNG-ZA

24 February 2011

MEMORANDUM FOR His Excellency, Governor John H. Lynch, Office of the Governor, State House, Concord, NH 03301

SUBJECT: HOUSE BILL 343-FN, an act establishing a permanent State Defense Force

After a thorough review of HB 343-FN, sponsored by Rep. Itse, Rock 9; Rep. Baldasaro, Rock 3; Rep. Welch, Rock 8; Rep. Kingsbury, Belk 4, I cannot recommend the establishment of a permanent State Defense Force (SDF) and will testify against it.

This recommendation is based on an updated assessment of current threats to the state and nation, New Hampshire National Guard (NHNG) capabilities, similar programs in other states and state funding.

I've also attached responses from you dated June 26, 2008 and from the two preceding Adjutant Generals, Major General (Ret.) Clark and Blair.

Currently the threat to the state and nation has not change. I received a briefing at the Pentagon 18FEB11.

As you know, the NHNG has served with distinction and honor since 1623 and has never failed to fulfill its commitment to NH or the Nation. In fact the current new generation of citizen-soldier is better trained, combat tested and an asset to the state.

Currently, Federal Code (32 USC Sec. 109) and NGB policy (NGR 10-4) authorizes the creation of a SDF. Less than half the states, territories and the District of Columbia have a SDF and many are cutting back on the force because of the budgetary crisis affecting states.

The State Government is solely responsible for all funding (100% General Funds) for the establishment, organization, training, equipping, management and use of that State Defense Force in accordance with its laws. Federal funds and equipment will not be used to support a SDF.

The New Hampshire National Guard (NHNG) is currently facing a \$285,000 cut in state funding to the 2012 budget and \$300,000 to 2013. We are short 160,184 SF of living space and 27,000 acres of training area authorized by our current manning. NHNG Armories (Readiness Centers) are in desperate need of being upgraded to meet the minimum requirements of our missions.

I cannot justify spending state dollars on a new force when we do not have enough funds to take care of our current warriors.

WILLIAM N. REDDEL III
Major General, NH National Guard
The Adjutant General



JOHN H. LYNCH
Governor

State of New Hampshire
OFFICE OF THE GOVERNOR
107 North Main Street, State House - Rm 208
Concord, New Hampshire 03301
Telephone (603) 271-2121
www.nh.gov/governor
governorlynch@nh.gov

June 26, 2008

Elliot R. Finn
7 Powers Road
Meredith, NH 03253

Carl R. Johnson
42 Dale Road
Meredith, NH 03253

Dear Elliot and Carl:

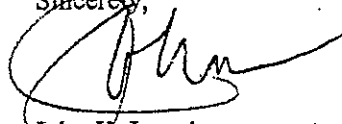
Thank you very much for your letter regarding your ideas for the New Hampshire State Guard. I appreciate you taking the time to write to me about it. As you know, I have discussed this issue with the leadership of the New Hampshire National Guard on multiple occasions. I understand from those discussions that the National Guard has a policy of keeping at least half of its total personnel in New Hampshire at all times. Even when some Guard members are deployed outside the state, a group large enough to handle an emergency remains available at all times.

Given the ongoing availability of a large contingent of National Guard members to respond to a possible emergency, the leadership of the National Guard feels that the expense of administering an active State Guard would not be a wise use of limited state resources. HB 1431 had significant costs associated with it, and in the current economic climate, the National Guard believes that the added expense of establishing an active State Guard does not make sense given the capabilities we already have.

Finally, while the expense of a centralized State Guard may not a good use of limited resources at this juncture, I do appreciate and admire the willingness of so many New Hampshire citizens to serve their communities in times of need. There are a number of ways in which people can contribute to disaster relief efforts and emergency preparedness without being centralized into a State Guard. Communities throughout the state have formed local organizations to assist neighbors in emergencies, and I would encourage anyone who is interested to make himself or herself available to these groups in order to assist local communities and the state should the need arise.

Again, thank you for your letter. I appreciate you taking the time to share your thoughts with me. Emergency preparedness is an important issue, and if legislation is introduced in the future regarding the State Guard I will certainly consider it carefully. In the meantime, if there is anything I can do to be helpful to either of you, please do not hesitate to contact me.

Sincerely,



John H. Lynch
Governor

CC: Brigadier General Stephen Burritt, NHNG



DEPARTMENT OF THE ARMY AND AIR FORCE
NEW HAMPSHIRE NATIONAL GUARD
JOINT FORCE HEADQUARTERS
4 PEMBROKE ROAD
CONCORD, NH 03301-5652


NHNG-ZA

10 April 2006

MEMORANDUM FOR The Honorable John Lynch, Governor of New Hampshire, 107 North Main Street, Concord, New Hampshire 03301

SUBJECT: Reinstatement of the New Hampshire State Guard (RSA 111) Recommendation

1. After very careful consideration of Senator Johnson and Mr. Elliot Finn's proposal to reinstate the New Hampshire State Guard based on RSA 111, it is my recommendation that the organization not be reconstituted.
2. This recommendation is based on the results of extensive research of similar programs in other states in addition to the validation of New Hampshire's emergency response during significant State and national emergencies last fall (Southwestern NH flooding and Hurricanes Katrina/Rita.)
3. New Hampshire's ability to meet an emergency response surge is best accomplished by using the state-to-state Emergency Management Assistance Compacts (EMAC) process currently in place. New Hampshire is one of 48 states, two territories, and the District of Columbia to have ratified agreements under EMAC.
4. Attached is a response from July 1, 2004 from the preceding Adjutant General, Major General (Ret.) Blair, who had the same recommendation. The enclosed letter provides additional details to support this recommendation.
5. POC is the undersigned at (603) 225-1200 or k.clark@us.army.mil.


KENNETH R. CLARK
Major General, NH National Guard
The Adjutant General



STATE OF NEW HAMPSHIRE
OFFICE OF THE ADJUTANT GENERAL
STATE MILITARY RESERVATION, 4 PEMBROKE ROAD
CONCORD, NEW HAMPSHIRE 03301-5952

John E. Blair, Major General
The Adjutant General

Phone: 603-225-1200

Fax: 603-225-1257

TDD Access: 1-800-735-2964

1 July 2004

Mr. Bill Gabler
Mr. Peter Yao
Office of the Governor
State House
Concord, NH 03301

Subject: Reconstitution of State Guard

Dear Gentlemen:

My staff has reviewed the "Reconstitution of the NH State Guard" proposal submitted to Governor Benson by Mr. Elliot R. Finn of Meredith, NH. The basic premise of Mr. Finn's proposal is an augmentation force trained to support State requirements in times of emergency operations or whenever the New Hampshire National Guard is fully deployed in its Federal Mission outside the borders of New Hampshire.

The augmentation force would be organized using military formations/protocols and call itself the NH State guard. It would function under the Adjutant General's Department as a separate organization with its own leadership and resources. Based on the information in the accompanying letter the force is approximately 30 people of varying ages and backgrounds. Mr. Finn proposes that the number could grow 2-3 X's over time to approximately 100 members.

Currently National Guard Bureau/NHARNG regulation allows for formation of State Guard units. Precedent exists in other States such as Alabama, Maryland, New York, etc. However, this is not a widely used augmentation force across the National Guard. Problems of funding, training and equipping the State Guard units are routine in those states and a constant struggle. Evaluation of this proposal must be made from the context of the current threat and recent policy/legislative changes that provide capability to State Governor's when dealing with natural disasters and combating the Global War on Terrorism.

Three important policy/legislative changes have reduced the need for a NH State Guard:

- NH is a signator to the Inter State Compact, which allows the Governor through the Office of Emergency Management (NHOEM) to ask for and receive help from other signators of the compact. Currently all the NE States and Canada are signatories. This includes State Police, National Guard, manpower and equipment. NH has utilized the compact resources during the ice storms and floods in recent years.
- Current Federal legislation is being crafted to allow Title 32 (State) military resources to command and control Title 10 federal forces (Active Duty and

Federal Reserves). This is a significant resource since this allows Governors through the Adjutant General to receive and command/control forces from the Active and Reserve Components (Army, Air, Navy, Marines and Coast Guard) in support of emergency operations.

National Guard Bureau deployment policy has been modified to limit future deployments of Army NG Forces in NH to 25%, 25% in training for future deployment and 50% in state available to support the Governor and State Mission. The Air National Guard policy is for deployment every 24 months for 90-120 days, approximately 30% of the force. The result of this policy is that 75% of Army Guard and 70% of Air Guard is available to the Governor and State Mission.

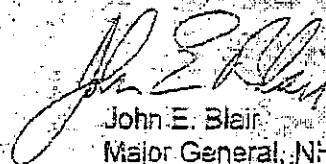
In addition to the manpower capabilities, other significant issues must be considered. The NH State Guard doesn't come with any federal funding stream. All monies to support a State Guard would come from 100% General Funds for training, equipping and facilities. National Guard Regulation (NGR) 10-4, dated 10 October 1987 is very clear. Currently there is no provision for loan, issue, sale or donation of obsolete/excess Federal Property to the States for use by their State Guard. Surplus Federal property is available through DOD 4160.21 M and Commercial sources. Other significant considerations and costs include security clearance; Arming Lautenburg Amendment questions and physical/medical readiness are additional unresolved issues.

In an attempt to capitalize on the spirit of volunteerism that Mr. Finn's group is demonstrating in his proposal, I had the staff brainstorm ideas. One idea seems to have merit. The State of NH Emergency Operation Plan has an annex ESF-15 with the primary office of responsibility the Volunteer Organization Active in Disaster (VOAD) and secondary with the Salvation Army and Community Action Agency. This might serve as an outlet for the volunteers interested in the State Guard Concept as direct volunteers in an existing organization that is interested to serving during periods of emergency response without the formality of establishing a State Guard.

After careful consideration of the State Guard proposal, my recommendation is not to pursue establishment at this time. I feel that the Interstate Compact, change in Title 10 statutes command control and new NGB mobilization deployment policy combined provide enough capability and flexibility, in a cost effective way, to meet the challenges of military support to civilian authorities in the future.

Thank you for sharing this proposal to reconstitute the State Guard.

Sincerely,



John E. Blair
Major General, NHNG
The Adjutant General

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 343-FN

BILL TITLE: establishing a permanent state defense force.

DATE: 3/9/11

LOB ROOM: 306

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Whitehead

Seconded by Rep. Gould

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk

Rep Carol Vita

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 343-FN

BILL TITLE: establishing a permanent state defense force.

DATE:

LOB ROOM: 306

Amendments:

Sponsor: Rep. OLS Document #:

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Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Whitehead*

Seconded by Rep. *GOULD*

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Carol Vita, Clerk

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 343 Title: Permanent State Defense Force

PH Date: 3, 3, 11

Exec Session Date: 3, 9, 11

Motion: ITC

Amendment #: _____

MEMBER	YEAS	NAYS
McGuire, Carol M, Chairman		✓
Hawkins, Kenneth, V Chairman	✓	
Sytek, John J	✓	
Day, Russell C	✓	
Gould, Kenneth H	✓	
Pratt, Calvin D	✓	✓
Vita, Carol M, Clerk		✓
Perkins, Lawrence B	✓	
Winter, Steven J		✓
Bowers, Spec		✓
Hansen, Peter T	✓	
Proulx, Mark L		✓
Whitehead, Randall A	✓	
Schmidt, Peter B	✓	
Pilotte, Maurice L	✓	
Jeudy, Jean L	✓	
Sullivan, Daniel J	A	

TOTAL VOTE:
Printed: 1/28/2011

10 86

Committee Report

REGULAR CALENDAR

March 10, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on EXECUTIVE
DEPARTMENTS AND ADMINISTRATION to which was
referred HB343-FN,

AN ACT establishing a permanent state defense force.

Having considered the same, report the same with the
following Resolution: RESOLVED, That it is
INEXPEDIENT TO LEGISLATE.

Rep. Randall A Whitehead

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **EXECUTIVE DEPARTMENTS AND
ADMINISTRATION**
Bill Number: **HB343-FN**
Title: **establishing a permanent state defense force.**
Date: **March 10, 2011**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The majority felt that this bill is unnecessary, as the state, indeed, has adequate resources to deal with any and all contingencies, including the New Hampshire National Guard. It is believed that this bill could lead to unintended consequences and be a financial burden to the state.

Vote 10-6

Rep. Randall A Whitehead
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB343-FN, establishing a permanent state defense force. **INEXPEDIENT TO LEGISLATE.**
Rep. Randall A Whitehead for the **Majority** of EXECUTIVE DEPARTMENTS AND
ADMINISTRATION. The majority felt that this bill is unnecessary, as the state, indeed, has
adequate resources to deal with any and all contingencies, including the New Hampshire National
Guard. It is believed that this bill could lead to unintended consequences and be a financial burden
to the state. **Vote 10-6.**

Original: House Clerk
Cc: Committee Bill File

HB 343 – Majority Report

The majority felt that this bill is unnecessary, as the state, indeed, has adequate resources to deal with any and all contingencies, including the New Hampshire National Guard. It is believed that this bill could lead to unintended consequences and be a financial burden to the state.

Rep. Randall Whitehead for the Committee

Carol M. Dine

MAJORITY BLURB

3/9/11

343-FN

EDA

~~The committee voted 10-6 to TIL this~~
bill. The majority felt that this bill
is unnecessary, as the state, indeed, has
adequate resources to deal with any and
all contingencies, including the N.H. National
Fund. It is believed that this bill
could lead to unintended consequences and
be a financial burden to the state.



REP. RANDALL WHITEHEAD

AM'D

REGULAR CALENDAR

March 10, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on EXECUTIVE
DEPARTMENTS AND ADMINISTRATION to which was
referred HB343-FN,

AN ACT establishing a permanent state defense force.

Having considered the same, and being unable to agree
with the Majority, report with the recommendation that
the bill OUGHT TO PASS.

Rep. Spec Bowers

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee: **EXECUTIVE DEPARTMENTS AND
ADMINISTRATION**
Bill Number: **HB343-FN**
Title: **establishing a permanent state defense force.**
Date: **March 10, 2011**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS**

STATEMENT OF INTENT

The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

Rep. Spec Bowers
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB343-FN, establishing a permanent state defense force. **OUGHT TO PASS.**

Rep. Spec Bowers for the **Minority** of EXECUTIVE DEPARTMENTS AND ADMINISTRATION.

The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

Original: House Clerk
Cc: Committee Bill File

HB 343 – Minority Report

The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

Rep.

Carol M. Davis

HB 343 – Minority Report

The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

Rep. Spec Bowers

Minority Report, HB343

The minority supported Retain to give the sponsor time to amend the bill. Although the bill as written is open to misinterpretation, a more narrowly crafted definition of the volunteer force envisioned by the sponsor would provide valuable services to the people of New Hampshire.

Carol M. Davis

MINORITY REPORT

COMMITTEE: ED + A

BILL NUMBER: HB 343

TITLE: _____

DATE: 3/9 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

COMMITTEE VOTE: 10-6

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. _____

For the Minority