

Bill as
Introduced

HB 220 - AS INTRODUCED

2013 SESSION

13-0177
09/01

HOUSE BILL **220**

AN ACT relative to the New Hampshire medal of honor.

SPONSORS: Rep. Graham, Hills 7; Rep. Major, Rock 14; Rep. Kappler, Rock 3; Rep. Theberge,
Coos 3; Rep. Baldasaro, Rock 5; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This bill revises eligibility requirements for the New Hampshire medal of honor.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the New Hampshire medal of honor.

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

1 New Hampshire Medal of Honor; Eligibility. Amend RSA 110-B:81 to read as follows:
2 110-B:81 New Hampshire Medal of Honor.

3 I. There is established a New Hampshire medal of honor, which may be awarded on behalf of
4 the people of the state of New Hampshire to any New Hampshire citizen who has given his or her life
5 while in [~~the line of duty~~] *military service* to protect and preserve the rights and freedoms of the
6 people of New Hampshire on or after November 4, 1979, and while:

7 (a) Engaged in an action against an enemy of the United States.

8 (b) Engaged in military operations involving conflict with an opposing foreign force.

9 (c) Assigned as military personnel to friendly foreign forces engaged in an armed conflict
10 against an opposing armed force in which the United States is not a belligerent party.

11 (d) Serving in a combat zone as designated by Presidential order *and killed in action*.

12 (e) [~~Engaged in training in preparation for deployment to a combat zone as designated by~~
13 ~~Presidential order.~~

14 (f) Serving in the military and killed as a result of a terrorist act.

15 II. [~~The adjutant general shall cause the name of a recipient of the New Hampshire medal of~~
16 ~~honor to be entered on a New Hampshire medal of honor roll.~~

17 III.] *In addition to the individuals described in paragraph I*, individuals eligible to
18 receive the New Hampshire medal of honor [~~include~~] *are limited to:*

19 (a) Members of the New Hampshire national guard at the time they were killed.

20 (b) Members of the United States military reserves who were legal residents of
21 New Hampshire at the time they were killed.

22 (c) Members of the United States armed forces who were:

23 (1) Legal residents of New Hampshire at the time they were killed.

24 (2) Stationed in New Hampshire by a proper order of the United States Department
25 of Defense at the time they were killed.

26 III. *Satisfying the requirements of paragraphs I and II shall not result in the*
27 *automatic award of the New Hampshire medal of honor. The totality of the circumstances*
28 *of the death shall also be considered in awarding the medal of honor.*

29 IV. The New Hampshire medal of honor shall be awarded, with the recommendation of the
30 adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the
31 house of representatives, or the senator or a member of the house of representatives representing the

1 town or city of residence of the individual killed.

2 V. The adjutant general, with the approval of the governor and council, shall design and
3 provide for the manufacture of the New Hampshire medal of honor. The adjutant general shall
4 design and maintain a New Hampshire medal of honor roll, which shall be available for public
5 viewing.

6 VI. The governor shall present the New Hampshire medal of honor awarded under this
7 section to the family members of the recipient.

8 *VII. The adjutant general shall cause the name of a recipient of the*
9 *New Hampshire medal of honor to be entered on the New Hampshire medal of honor roll.*

10 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 245
HB 220 - FINAL VERSION

06/06/13. 1964s
26June2013... 2111CofC

2013 SESSION

13-0177
09/01

HOUSE BILL **220**

AN ACT relative to the New Hampshire medal of honor.

SPONSORS: Rep. Graham, Hills 7; Rep. Major, Rock 14; Rep. Kappler, Rock 3; Rep. Theberge,
Coos 3; Rep. Baldasaro, Rock 5; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3

COMMITTEE: State-Federal Relations and Veterans Affairs

AMENDED ANALYSIS

This bill revises eligibility requirements for the New Hampshire medal of honor.

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.

CHAPTER 245
HB 220 – FINAL VERSION

06/06/13 1964s
26June2013... 2111CofC

13-0177
09/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the New Hampshire medal of honor.

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

1 245:1 New Hampshire Medal of Honor; Eligibility. Amend RSA 110-B:81 to read as follows:

2 110-B:81 New Hampshire Medal of Honor.

3 I. There is established a New Hampshire medal of honor, which may be awarded on behalf of
4 the people of the state of New Hampshire to any New Hampshire citizen who has given his or her life
5 while in [~~the line of duty~~] **military service** to protect and preserve the rights and freedoms of the
6 people of New Hampshire on or after November 4, 1979, and while:

7 (a) Engaged in an action against an enemy of the United States.

8 (b) Engaged in military operations involving conflict with an opposing foreign force.

9 (c) Assigned as military personnel to friendly foreign forces engaged in an armed conflict
10 against an opposing armed force in which the United States is not a belligerent party.

11 (d) Serving in a combat zone as designated by Presidential order **and killed in action**.

12 (e) [~~Engaged in training in preparation for deployment to a combat zone as designated by~~
13 ~~Presidential order.~~

14 (f) Serving in the military and killed as a result of a terrorist act.

15 II. [~~The adjutant general shall cause the name of a recipient of the New Hampshire medal of~~
16 ~~honor to be entered on a New Hampshire medal of honor roll.~~

17 III. **In addition to the individuals described in paragraph I**, individuals eligible to
18 receive the New Hampshire medal of honor [~~include~~] **are limited to:**

19 (a) Members of the New Hampshire national guard at the time they were killed **in**
20 **action**.

21 (b) Members of the United States military reserves who were legal residents of
22 New Hampshire at the time they were killed **in action**.

23 (c) Members of the United States armed forces who were:

24 (1) Legal residents of New Hampshire at the time they were killed[-] **in action; or**

25 (2) Stationed in New Hampshire by a proper order of the United States Department
26 of Defense at the time they were killed **in action**.

27 **III. Satisfying the requirements of paragraphs I and II shall not result in the**
28 **automatic award of the New Hampshire medal of honor. The totality of the circumstances**

CHAPTER 245
HB 220 - FINAL VERSION
- Page 2 -

1 *of the death shall also be considered in awarding the medal of honor.*

2 IV. The New Hampshire medal of honor shall be awarded, with the recommendation of the
3 adjutant general, by a joint resolution introduced by the president of the senate, the speaker of the
4 house of representatives, or the senator or a member of the house of representatives representing the
5 town or city of residence of the individual killed.

6 V. The adjutant general, with the approval of the governor and council, shall design and
7 provide for the manufacture of the New Hampshire medal of honor. The adjutant general shall
8 design and maintain a New Hampshire medal of honor roll, which shall be available for public
9 viewing.

10 VI. The governor shall present the New Hampshire medal of honor awarded under this
11 section to the family members of the recipient.

12 *VII. The adjutant general shall cause the name of a recipient of the*
13 *New Hampshire medal of honor to be entered on the New Hampshire medal of honor roll.*

14 245:2 Effective Date. This act shall take effect upon its passage.

15 Approved: July 24, 2013

16 Effective Date: July 24, 2013

Amendments

Amendment to HB 220

1 Amend RSA 110-B:81, II as inserted by section 1 of the bill by replacing it with the following:

2

3 II. ~~[The adjutant general shall cause the name of a recipient of the New Hampshire medal of~~
4 ~~honor to be entered on a New Hampshire medal of honor roll.~~

5 III.] *In addition to the individuals described in paragraph I*, individuals eligible to
6 receive the New Hampshire medal of honor ~~[include]~~ *are limited to:*

7 (a) Members of the New Hampshire national guard at the time they were killed *in*
8 *action.*

9 (b) Members of the United States military reserves who were legal residents of
10 New Hampshire at the time they were killed *in action.*

11 (c) Members of the United States armed forces who were:

12 (1) Legal residents of New Hampshire at the time they were killed[-] *in action; or*

13 (2) Stationed in New Hampshire by a proper order of the United States Department
14 of Defense at the time they were killed *in action.*

15

16 Amend the bill by replacing section 2 with the following:

17

18 2 Effective Date. This act shall take effect upon its passage.

2013-1964s

AMENDED ANALYSIS

This bill revises eligibility requirements for the New Hampshire medal of honor.

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

ATTENDANCE

- ✓ Senator David Boutin Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator Bette Lasky
- ✓ Senator David Pierce
- ✓ Senator Nancy Stiles

16

START: 9:05 AM
STOP: 9:21 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: April 30, 2013

HEARINGS

Wednesday

5/8/2013

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM HB220

relative to the New Hampshire medal of honor.

9:15 AM HB524

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

Sponsors:

HB220

- Rep. John Graham
- Rep. Lawrence Kappler

- Sen. Lou D'Allesandro
- Rep. Robert Theberge

- Sen. Jeb Bradley
- Rep. Alfred Baldasaro

Rep. Norman Major

HB524

- Rep. Norman Major
- Rep. Robert Theberge

- Rep. John Graham
- Rep. Lawrence Kappler

Rep. Alfred Baldasaro

Rep. Kenneth Weyler

SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Hearing Report

Deb Martone, Legislative Aide

HB 220 -- *An Act relative to the New Hampshire Medal of Honor.*

Hearing Date: May 8, 2013

Time Opened: 9:05 am

Time Closed: 9:21 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles, Lasky and Pierce.

Bill Analysis: Revises eligibility requirements for the New Hampshire Medal of Honor; the bill is a request of the Adjutant General.

Sponsors: Representatives Graham, Major, Kappler, Theberge and Baldasaro; Senators D'Allesandro and Bradley.

Who supports the bill: Brigadier General Carolyn Protzmann, NH Deputy Adjutant General; Major General Bill Reddel, NH Adjutant General.

Summary of testimony presented in support:

Deputy Adjutant General Carolyn Protzmann:

- This bill is a housecleaning measure on the criteria of the New Hampshire Medal of Honor.
- In the past 3 years New Hampshire has presented 58 Medals of Honor.
- HB 220 was introduced to clarify and modify the criteria of this award, to ensure for future generations the intent of honoring the sacrifice our military members are willing to take to protect and preserve the rights and freedoms of New Hampshire and the nation.
- Those engaged in training in preparation for deployment to a combat zone as designated by Presidential order will no longer be eligible for this award. Circumstances in a training environment, although demanding, are not hostile. Soldiers in a training environment are not engaged with the enemy and are not in harm's way.
- Soldiers in a training environment are carefully monitored and instructed to facilitate learning the proper tools, techniques and procedures which will help assure their survival in a true combat environment.
- The New Hampshire Medal of Honor was modeled after the US Medal of Honor.
- The Adjutant General's Office recognizes that those military members who died in different circumstances are deserving of acclamation. However, it is important not to dilute the importance and significance of the Medal of Honor.

- The bill also allows for the deliberate review of all of the criteria in concert with the circumstances of death, to ensure proper discernment is conducted in the award of the medal.
- The term “stationed in New Hampshire” designates the unit of record; where a member was stationed. A member could be serving in Afghanistan, but be stationed in New Hampshire.
- There have been situations in the past that perhaps did not warrant the awarding of the Medal of Honor.
- It is possible to be a legal resident of New Hampshire but not be stationed in New Hampshire; many active duty members are. It is also possible to be stationed in New Hampshire, i.e., at Pease Air Force Base, but not be a legal resident of this state.
- The goal is to tighten up the criteria so that a member who was engaged in enemy action and lost his/her life would be eligible for the award, as opposed to a member in training and not engaged in action against an enemy.

Future Action: Pending

dam
Date hearing report completed: May 8, 2013

Speakers

Testimony

**Testimony before the Committee on State Federal Relations and Veterans
Affairs**

House Bill 220 – May 07, 2013

By Brig General Carol Protzmann ATAGNH

Thank you for this opportunity to speak with you this morning. Senators and Representatives, some in this room, who authored this important piece of legislation: thank you on behalf of all our NH military and their families for providing such a solemn and dignified tribute to the service and ultimate sacrifice of these brave women and men. In the past three years our state presented 58 Medals of Honor.

As we move forward, and in review of the criteria of this bill, we have introduced clarification and modification to this award to ensure, for future generations, the intent of honoring the sacrifice our military members were willing to take to protect and preserve the rights and freedoms of this great state and nation.

In doing so, most significant to our actions, we are eliminating the paragraph stating *those engaged in training in preparation for deployment to a combat zone as designated by Presidential order are eligible for this award*. As devastating as a loss of life is, and certainly while in service to our military, we are concerned that the circumstances in a training environment, although demanding, are not hostile. Our soldiers, in a training environment, are not engaged with the enemy, are not expected to conduct acts of courage in the preservation of our liberties and, although operate in a very challenging environment, are not in harm's way, not operating in a hostile environment and, in fact, are carefully monitored and instructed in order that they learn the proper tools, techniques and procedures which will help assure their survival in a true combat environment.

We believe the true intent of this original legislation was to provide the state the opportunity to honor our service members' death in combat as the decisive sacrifice and the expression of that honor by the state is the presentation of the state's highest military award, our Medal of Honor. Indeed the New Hampshire Medal of Honor is directly modeled using the US Medal of Honor criteria, which reads;

An individual distinguishes himself (or herself) conspicuously by gallantry and intrepidity at the risk of his (or her) life above and beyond the call of duty. It further defines such service;

- i. while engaged in an action against an enemy of the United States;**
- ii. while engaged in military operations involving conflict with an opposing foreign force; or**
- iii. while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party**

We recognize that those military members who died in different circumstances are deserving of acclamation; but we do not want to dilute the importance and significance of this Medal of Honor. Should another award be appropriate to present to members of the military who have died while serving, then we would be pleased to assist with authoring such legislation.

Additionally, in this legislation, we have included a statement in paragraph III which allows for the deliberate review of all the criteria in concert with the circumstances of death to ensure that proper discernment is conducted in the award of this medal.

Thank you for your time and for your continued support to our military. I am happy to answer any questions I can at this time.

Sincerely,

**Carolyn J. Protzmann
Brigadier General, NH National Guard
Deputy Adjutant General**

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: May 29, 2013

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 220

AN ACT relative to the New Hampshire medal of honor.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1964s

Senator David Pierce
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB220

Docket Abbreviations

Bill Title: relative to the New Hampshire medal of honor.*Official Docket of HB220:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to State-Federal Relations and Veterans Affairs; HJ 12 , PG.187
1/16/2013	H	Public Hearing: 1/24/2013 10:00 AM LOB 203
1/23/2013	H	Executive Session: 1/31/2013 11:30 AM LOB 203
2/5/2013	H	Committee Report: Ought to Pass for Feb 13 (Vote 12-0; RC); HC 13 , PG.215
2/13/2013	H	Special Order to Beginning of Regular Calendar (Rep Theberge): MA Without Objection; HJ 17 , PG.333
2/13/2013	H	Ought to Pass: MA VV; HJ 17 , PG.333
2/14/2013	S	Introduced and Referred to Public & Municipal Affairs
5/1/2013	S	Hearing: 5/8/13, Room 102, LOB, 9:00 a.m.; SC19
5/29/2013	S	Committee Report: Ought to Pass with Amendment #2013-1964s , 6/6/13; SC23
6/6/2013	S	Committee Amendment 1964s, AA, VV
6/6/2013	S	Ought to Pass with Amendment 1964s, MA, VV; OT3rdg
6/12/2013	H	House Non-Concurs with Senate AM #1964s and Requests a C of C (Rep Shurtleff): MA VV [Recess of 6/5/13]; HJ49 , PG.1650
6/12/2013	H	Speaker Appoints: Reps Theberge, Massimilla, McClosky, and Notter [Recess of 6/5/13]; HJ49 , PG.1650
6/12/2013	S	Sen. Boutin Moved Accede to House Request for Committee of Conference, MA, VV
6/12/2013	S	President Appoints: Senators Forrester, Bragdon, Lasky
6/12/2013	H	Committee of Conference Meeting: 6/18/13 1:00 PM LOB 203
6/20/2013	S	Conference Committee Report #2013-2111c ; Senate Amendment, Filed
6/26/2013	S	Conference Committee Report 2111c; Adopted, VV
6/26/2013	H	Conference Committee Report #2111c Adopted, VV
6/26/2013	S	Enrolled
6/26/2013	H	Enrolled
7/25/2013	H	Signed By Governor 07/24/2013; Effective 07/24/2013; Chapter 0245

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 220 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1964s _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

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

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): CONFERENCE COMMITTEE LEFT #2111CFC

DATE DELIVERED TO SENATE CLERK

07/26/13

Debra A. Malone
BY COMMITTEE AIDE

June 18, 2013

2013-2111-CofC

01/10

Committee of Conference Report on HB 220, an act relative to the New Hampshire medal of honor.

Recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 220, an act relative to the New Hampshire medal of honor.

Conferees on the Part of the Senate Conferees on the Part of the House

Sen. Forrester, Dist. 2 Rep. Theberge, Coos 2

Sen. Bragdon, Dist. 11 Rep. Massimilla, Graf. 1

Sen. Lasky, Dist. 13 Rep. McCloskey, Hills. 16

Rep. Notter, Hills. 21