# Bill as Introduced

SB 187 – AS INTRODUCED

2003 SESSION

03-1156
08/09

SENATE BILL *187*

AN ACT relative to designating local emergency management directors.

SPONSORS: Sen. Kenney, Dist 3; Sen. Clegg, Dist 14

COMMITTEE: Public Affairs

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ANALYSIS

This bill directs local governments to designate a local emergency management director, and provides for the police chief of each municipality to serve as the default director in the absence of such formal designation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 187 – AS INTRODUCED

03-1156
08/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Three*

AN ACT relative to designating local emergency management directors.

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

1 New Section; Local Emergency Management Directors. Amend RSA 21-P by inserting after section 51 the following new section:

21-P:52 Local Emergency Management Directors. Every municipality within the state shall annually designate a local emergency management director as a liaison who shall be responsible for coordinating emergency management efforts with the state office of emergency management. Absent formal designation by the municipalities, the police chief of each municipality shall be the default designee. The county sheriff shall be the emergency management director in unincorporated areas.

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

# Committee Minutes

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Date: March 12, 2003
Time: 8:45 a.m.
Room: 105-A, Senate House

The Senate Committee on Public Affairs held a hearing on the following:

SB 187 relative to designating local emergency management directors.

Members of Committee present: Senator Roberge
Senator Larsen
Senator Barnes
Senator Green
Senator Morse

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The Chair, Senator Sheila Roberge, opened the hearing.

Senator Sheila Roberge, D. 9: David Minnis.

David Minnus, New Hampshire Fire Chiefs: I am here today to represent the NH Association of Fire Chiefs, and we have been in discussion with the police about this, we had did not understand the reason for this bill.

We don't think that this is a mandate, it's just a designation that this is the local person that would be responsible for Emergency Management Direction and since the fire department has access to a number of a lot more people to work in an emergency situation, then the police chief does, because we have volunteers and calls as well as paid. It would appear that it should be the fire chief that should be the designated as the local EMS and the police had no problem with this, but I don't have anything in writing that says that and I was hoping that Earl Sweeney would be here this morning so that he could say something as well.

Senator John S. Barnes, Jr., D. 17: Madam chairman, are there any firemen...

Senator Sheila Roberge, D. 9: I was going to say are there any fire chiefs that are volunteer?

Mr. Minnus: Yes.

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Senator Sheila Roberge, D. 9: Would they be willing to take on the additional responsibility without any pay?

Mr. Minnus: It is part of their responsibility as it is.

Senator Richard Green, D. 6: Why are we having this bill at all, every local community has the authority now to designate who they want as Emergency Management Director, why do we need a law to direct anybody to do anything?

Mr. Minnus: Senator Green I would agree with you.

Senator Richard Green, D. 6: Thank you.

Senator Richard Green, D. 6: I don't understand the reason for it, if I understood a reason for it I would say fine, but as a local official this was part of our responsibility to do anyway under the law, and we designated whoever we felt that we wanted to as a governing body and that was the end of it.

Mr. Minnus: Absolutely, I agree with you.

Senator Sheila Roberge, D. 9: Thank you very much.

Hearing on SB 187 recessed at 8:50 a.m.

Hearing on SB 187 reopened at 10:10 a.m.

Senator Joseph D. Kenney, D. 3: Good morning, members of the Public Affairs Committee, my name is Senator Joe Kenney, from District 3, and I am representing 17 towns and I am introducing Senate Bill 187, relative to designated local emergency management directors.

Back in 1998, I was a selectmen in my community of Wakefield, and the ice storm 1988 occurred. It was a very horrific event for the state. The state found out that it was very well unprepared in cases to deploy the national guard and the federal emergency management to get the necessarily resources back into the counties, back into the communities via the federal level. It really wasn't a strong mechanism to deal with federal, state, to local.

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It was at that point, that I found in the future that I would try to introduce a piece of legislation that would require local communities to have a designated local emergency management directors.

In my case in 1998, we had no one designated as a local emergency management director, and at that point you sensed that it automatically would go to safety or to your local chief, or to your local fire department chief, or whomever in communities perceived as a point of contact for emergency management issues. The problem was back then, they didn't really know who was the emergency director at the local level, and hence I said in the future that I would try to figure out how this might work. Since then, I understand that New Hampshire Emergency Management has been placed under the Department of Safety. It is a better management system in place and their has been more of a push down to local levels to understand how they would tie into in the future, in a case of an emergency. Whether it be a natural disaster, a terrorist threat, or whether it be a hurricane, or whatever it might be. That somehow the state today is functioning from an informal standpoint; it's functioning pretty well. However, when it comes to certain situations in the future, unless we formalize it, I'm not sure that local communities or the public is going to be able to walk down the street and say, in my little town report, I really don't know who the emergency director is. I suppose it is the police chief or someone in community the selectmen has designated, but this is just a way to really formalize it.

We have found that many local communities do not have emergency management plans. In my community, we went a head and we drafted one, so we designated food shelters, and where people would go, if the power went out, if the heat went off in the middle of winter, we somehow put a plan in action for that community.

This might say to local level that if you have a designated emergency management director who is receiving some type of support from the state through seminars or information outreach programs that they have these in place. This is by no means any stretch of the imagination a mandate, this is just simply saying to the local public that they know in their 240 communities in New Hampshire that they know that someone in that community is designated as an emergency management director.

I also mentioned the incorporated areas as well, which there are several in New Hampshire that those people need to know who the emergency management director in their area would be. This is simply saying that this would fall back to the county sheriff, but the threat of terrorism and a natural disaster in the future that we all most likely going to be challenged with in the future have been to a certain degree, through the 9/11 experience,

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we are going to have to realize that there is a federal, state and local connection in and emergency safety people are going to have to know the chain of command when it comes to emergency management direction. I will tell you that when FEMUR came into our small community of Wakefield in 1998, we thought that they were aliens. We didn't know what they were, what they were doing there, but they basically came in and said, we are here to help, and gave us all these federal bureaucracy applications to fill out in order to get reimbursed funding, and it was a strange experience. I think that someone who has had that experience or is designated that in a community can better explain that to local people if they are designated as a local emergency management director is.

It's a good will bill that just kind of formalizes that will give Donald Bliss, who is our emergency management director the ability to know that in 240 pounds that there is someone in there that's designated as an emergency management local director in case he needs to communicate directly to that individual and say, what's going on out there, what do you see, let's set up the communications, let's make sure that we know how to better assist you.

That's my testimony and I am going to stick to it.

Senator Sheila Roberge, D. 9: Why did you pick the police chief instead of the fire chief?

Senator Kenney: Actually I picked either/or, when they went to legislative services, somehow it came out that way and I am realizing over the years that what comes in doesn't necessarily doesn't come out. The way that it was set up originally was the police chief or the fire chief that would fall directly in case of an emergency management director, or some other such formal designation.

Senator Sheila Roberge, D. 9: Senator Barnes.

Senator John S. Barnes, Jr., D. 17: Has the Board of Selectmen in the towns and alderman in the cities make that designation ___inaudible____ piece of legislation, they did in Raymond.

Senator Joseph D. Kenney, D. 3: I'm not saying you can't, I'm just saying that this is saying the state should formalize this process and I think it is great when local communities take that initiative, much like our community

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took the initiative to create an emergency evacuation plan, or an emergency management plan, that was their local initiative. I just think we live in a world that today, there is no doubt about it, with biological chemical warfare threats that are out there that we are going to have to have rapid communications in place and I just think we need to formalize the process.

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

Senator Sheila Roberge, D. 9: Senator Green.

Senator Richard Green, D. 6: When I first read this, my first reaction was what do we need this for because I know under current law and statutes that every community can designate somebody for this particular role, and I also know that under the Homeland Security funding that is going to be coming down from the federal government that in order to be participating in that process you are going to need an emergency management plan, and you are going to need to designate somebody who is responsible for that plan.

I think formally it's in place and that is why I wondered why the bill was here, we already can do that, that maybe an issue in small towns who haven't participated and don't know about these kinds of things and it has caught them between the eyes, but there is no reason why each community in the state can't do that. I think you are going to find that they are going to do that anyway because what is going to be tied to the emergency plan for the state is that every community is going to have to do this.

So the question is, do we really need this piece of legislation, that is my only issue? It is not what it is intended to do, or why it wants to do it, it's why not what? I think we already do this.

Senator Joseph D. Kenney, D. 3: I would agree that informally, or formally, however way you want to describe it, it's not in statute that is the reason why I felt that if ...I have seen it before maybe growing up in small town New Hampshire all these years, that there is a new administration that comes in, there is a new set of volunteers that come in, and unless it is in statute, unless a town attorney says you need to do this because it's a municipal law, if it's not in statute that the next generation of local officials will be blind sighted by this and say, Oh, well it's not in statute, I didn't realize that we were responsible to have an emergency management director. That is basically why I wanted to see it in language.

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Senator Sheila Roberge, D. 9: Further questions, Senator Green.

Senator Richard Green, D. 6: If I were able to point you in the direction of where this is already authorized in statute would you concur that this is ____inaudible____.

Senator Joseph D. Kenney, D. 3: Absolutely, so retain it.

Senator Richard Green, D. 6: I just wanted to make sure.

Senator Joseph D. Kenney, D. 3: I would withdraw this and if it were already in statute, I would do that, I am here to help.

Senator Sheila Roberge, D. 9: Thank you.

The primary speaker closed his testimony on SB 187 at 10:20 a.m.

The hearing closed on Senate Bill 187 at 10:20 a.m.

Respectfully submitted,

Livia Acdan COPY

Livia Acdan
Senate Public Affairs Secretary

# Speakers

# SENATE PUBLIC AFFAIRS COMMITTEE

Date: 03/12/03 Time: 8:30 a.m. Public Hearing on 105-A **Bill# SB 187**

*relative to designating local emergency management directors..*

***Please check box(es) that apply.***

| SPEAKING | FAVOR | OPPOSED | NAME (Please print) | REPRESENTING |
|---|---|---|---|---|
| ☒ | ☐ | ☐ | DAVID MINNIS | NH FIRE Chiefs |
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# Committee Report

# STATE OF NEW HAMPSHIRE

# SENATE

# REPORT OF THE COMMITTEE

Date: March 19, 2003

THE COMMITTEE ON Public Affairs

to which was referred Senate Bill SB187

AN ACT relative to designating local emergency management directors.

VOTE: 4-0

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Chuck Morse
For the Committee

# SB187 Docket

Next|Prev|Results List|Main|Bill Status

**Bill Title:** relative to designating local emergency management directors.

| Date | Body | Description |
|---|---|---|
| **1/30/2003** | S | Introduced and Ref. to Public Affairs; SJ 3, Pg.40 |
| **2/7/2003** | S | Hearing; March 12, 2003, Room 105-A, SH, 8:30 a.m.; SC9 |
| **4/4/2003** | S | Committee Report; Inexpedient to Legislate, [04/10/03]; SC17 |
| **4/10/2003** | S | Inexpedient to Legislate, MA, VV === KILLED ===; SJ 12, Pg.304 |

Next|Prev|Results List|Main|Bill Status

*Docket Abbreviations*