

REGULAR CALENDAR

April 25, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Executive Departments and Administration to which was referred SB 325,

AN ACT relative to local organization for emergency management and first responders. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Stephen Pearson

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

| | |
|--------------------------|--|
| Committee: | Executive Departments and Administration |
| Bill Number: | SB 325 |
| Title: | relative to local organization for emergency management and first responders. |
| Date: | April 25, 2022 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

This bill clarifies who will carry the title of first responder during declared emergencies. This is being done to clarify existing statute in order for the state to be better reimbursed by the Federal Government. This is Supported by the NH Department of Homeland Security. This bill in no way is intended to reclassify anyone in the state pension system. It also only applies to those that are carrying out emergency management functions as outlined in Section V of the bill.

Vote 15-4.

Rep. Stephen Pearson
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

SB 325, relative to local organization for emergency management and first responders. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for the **Majority** of Executive Departments and Administration. This bill clarifies who will carry the title of first responder during declared emergencies. This is being done to clarify existing statute in order for the state to be better reimbursed by the Federal Government. This is Supported by the NH Department of Homeland Security. This bill in no way is intended to reclassify anyone in the state pension system. It also only applies to those that are carrying out emergency management functions as outlined in Section V of the bill. **Vote 15-4.**

REGULAR CALENDAR

April 25, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Executive Departments and Administration to which was referred SB 325,

AN ACT relative to local organization for emergency management and first responders. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Mark Alliegro

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

| | |
|-------------------|--|
| Committee: | Executive Departments and Administration |
| Bill Number: | SB 325 |
| Title: | relative to local organization for emergency management and first responders. |
| Date: | April 25, 2022 |
| Consent Calendar: | REGULAR |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

This bill purports to define first responders and includes first responders in the definition of emergency management and local organization for emergency management. However, "first responder" is already well defined (e.g. Merriam Webster Dictionary): "A person (such as a police officer or an EMT) who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance." What this bill actually does is expand the definition of "first responder" to include many service providers downstream of the actual first response, whether their actions come into play hours or some indefinite period after the first response, and whether or not they are public employees. The ramifications of expanding definitions is beyond symbolic, because those expanded definitions subsequently impact salaries, benefits, promotions, training, organization, existing law, and other bills under consideration. As evidence of this conclusion, the very next bill to be considered on the committee agenda was entirely directed at "first responders". The committee minority warns against the continual expansion of definitions.

Rep. Mark Alliegro
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

SB 325, relative to local organization for emergency management and first responders.
INEXPEDIENT TO LEGISLATE.

Rep. Mark Alliegro for the **Minority** of Executive Departments and Administration. This bill purports to define first responders and includes first responders in the definition of emergency management and local organization for emergency management. However, "first responder" is already well defined (e.g. Merriam Webster Dictionary): "A person (such as a police officer or an EMT) who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance." What this bill actually does is expand the definition of "first responder" to include many service providers downstream of the actual first response, whether their actions come into play hours or some indefinite period after the first response, and whether or not they are public employees. The ramifications of expanding definitions is beyond symbolic, because those expanded definitions subsequently impact salaries, benefits, promotions, training, organization, existing law, and other bills under consideration. As evidence of this conclusion, the very next bill to be considered on the committee agenda was entirely directed at "first responders". The committee minority warns against the continual expansion of definitions.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 325

BILL TITLE: relative to local organization for emergency management and first responders.

DATE: April 12, 2022

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS

Moved by Rep. S. Pearson

Seconded by Rep. Schuett

Vote: 15-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jaci Grote, Acting Clerk



2022 SESSION

Executive Departments and Administration

Bill #: 325 ~~53118~~ Motion: OTP AM #: NA Exec Session Date: 4/12

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| McGuire, Carol M. Chairman | ✓ | | |
| Rhodes, Jennifer M. Vice Chairman | ✓ | | |
| Sytek, John Clerk <u>Piedemonte, Tony</u> | ✓ | | |
| Pearson, Stephen C. | ✓ | | |
| Yakubovich, Michael | ✓ | | |
| Lekas, Tony | | ✓ | |
| Alliegro, Mark C. | | ✓ | |
| Bailey, Glenn | | ✓ | |
| Lanzara, Tom E. | ✓ | | |
| Santonastaso, Matthew | | ✓ | |
| Goley, Jeffrey P. | ✓ | | |
| Schuett, Dianne E. | ✓ | | |
| Judy, Jean L. | ✓ | | |
| Schmidt, Peter B. | ✓ | | |
| Marsh, William M. | ✓ | | |
| Fellows, Sallie D. | ✓ | | |
| Fontneau, Timothy J. | ✓ | | |
| Grote, Jaci L. | ✓ | | |
| O'Brien, Michael B. | ✓ | | |
| TOTAL VOTE: | 15 | 4 | |

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 325

BILL TITLE: relative to local organization for emergency management and first responders.

DATE: April 12, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:01 a.m.

Time Adjourned: 10:28 a.m.

Committee Members: Reps. McGuire, Rhodes, S. Pearson, Yakubovich, T. Leka, Bailey, Alliegro, Lanzara, Santonastaso, Schuett, Jeudy, P. Schmidt, Marsh, Fontneau, Grote and O'Brien

Bill Sponsors:

Sen. Cavanaugh

Sen. Watters

Sen. Bradley

Sen. Soucy

Rep. Edgar

Rep. Buco

Rep. Mullen

TESTIMONY

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

Senator Cavanaugh District 16 introduced the bill – worked with Fire Marshall and Homeland Security to get consensus on the bill.

Rep Pearson asked if there is intent to move DPW into group 2 in NHRS – not in any way replied the Senator.

*Rep Edgar – Hampton – supports bill and clarifies what is put into statute

*Jennifer Hale – DPW Director Town of Hampton sent written testimony and did not appear

Ed Emond – AFSCME Union – DPW Manchester – supports the bill

Jenn Harper – Homeland Security and Emergency Management – supports the bill and confirmed collaboration with Fire Marshall

Rep Bailey asked about command structure and authority over private entities.

Rep McGuire asked about small towns with no DPW – road agents are included in this structure.

Tim Clougherty – Pres of NH Public Works Assoc – a group representing 61 towns and its members – this bill codifies the role of DPW during emergencies and appeared in support

*Meghan Theriault – Gilford DPW – supports the bill

*Boyd Smith- NH Water Works Assoc – written testimony – did not appear before committee

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB325 on 2022-04-12

Support: 45 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

| <u>Name</u> | <u>City, State</u> <u>Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>Signed Up</u> |
|-------------------|---|------------------------|------------------------------------|-----------------|-------------------|--------------------|-------------------|
| Goodwin, Peter | Salem, NH goodwinp11@gmail.com | A Member of the Public | Myself | Support | No | No | 4/1/2022 11:02 AM |
| Codling, Brigitte | North Haverhill, NH townmanager@haverhill-nh.com | A Member of the Public | Town of Haverhill | Support | No | No | 4/1/2022 12:17 PM |
| Boisvert, Jesse | Manchester, NH boisvertrules@comcast.net | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:17 PM |
| Newton, Chaz | Hooksett, NH cnewton423@yahoo.com | A Member of the Public | Myself, all Public Works employees | Support | No | No | 4/1/2022 1:18 PM |
| Krueger, Eric | Nashua, NH ekrueger@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:18 PM |
| Boudreau, Tracy | Manchester, NH Tboudrea@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:18 PM |
| Moore, Ann-Marie | Manchester, NH amoore@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:19 PM |
| Williams, Mary | Manchester, NH marylmccoy@comcast.net | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:19 PM |
| Lucas, Tiffany | MANCHESTER, NH tiffanyl4@hotmail.com | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:27 PM |
| Moore, Bradley | Manchester, NH bcmoore1971@gmail.com | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:39 PM |
| Grenier, Jeffrey | Weare, NH a74ford88@gmail.com | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:47 PM |
| Petersen, JoAnn | Manchester, NH Country0856@yahoo.com | A Member of the Public | Myself | Support | No | No | 4/1/2022 1:49 PM |
| Collins, Sean | Manchester, NH Scollins@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/1/2022 2:14 PM |

| | | | | | | | |
|-------------------------------|--|------------------------|----------------------------------|---------|----|-----|-------------------|
| Bukowski, Erik | Manchester, NH ebukowski@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/1/2022 2:38 PM |
| Silva, Susan | Sandown, NH ssilva@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/1/2022 3:33 PM |
| Gomez, Mark | Concord, NH markgomez1@live.com | A Member of the Public | Myself | Support | No | No | 4/1/2022 4:03 PM |
| Hughes, Micahel | Hooksett, NH mhughes@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/2/2022 7:33 AM |
| Whittaker, ryan | Bow, NH Rwhittaker@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/4/2022 8:15 AM |
| Bozoian, Thomas | Manchester, NH tbozoian@manchesternh.gov | A Member of the Public | Myself | Support | No | Yes | 4/4/2022 1:02 PM |
| Vacon, Robert | Manchester, NH avachon@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/4/2022 1:31 PM |
| Vachon, Robert | Manchester, NH avachon@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/4/2022 1:31 PM |
| KULBACKI, PETER | hanover, NH PETER.KULBACKI@HANOVERNH.ORG | A Member of the Public | Myself | Support | No | No | 4/4/2022 3:09 PM |
| Stevens, Jamie | Dover, NH j.stevens@dover.nh.gov | State Agency Staff | My self and the City of Dover NH | Support | No | No | 4/5/2022 2:44 PM |
| bond, greg | manchester, NH gregbond20@yahoo.com | A Member of the Public | Myself | Support | No | No | 4/5/2022 11:17 PM |
| Bradley, Jeb | SD3, NH jeb.bradley@leg.state.nh.us | An Elected Official | SD3 | Support | No | No | 4/6/2022 9:41 AM |
| GORE, LEAH | MANCHESTER, NH LGORE@MANCHESTERNH.GOV | State Agency Staff | Myself | Support | No | No | 4/6/2022 1:53 PM |
| Yender, Dan | Manchester, NH dyender@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/7/2022 10:12 AM |
| Caikauskas, Tarra | Manchester, NH tlc.wtpfarm@gmail.com | A Member of the Public | Myself | Support | No | No | 4/8/2022 12:41 PM |
| A Bonoli-Stohlberg, Christine | Center Barnstead, NH my65jazzmaster@yahoo.com | A Member of the Public | Myself | Support | No | No | 4/9/2022 12:34 PM |
| Guilmette, George | Somersworth, NH georgeguilmette@yahoo.com | A Member of the Public | Myself | Support | No | No | 4/10/2022 8:37 AM |
| Perreault, Lisa | Kingston, NH highwayadmin@kingstonnh.org | A Member of the Public | Myself | Support | No | No | 4/11/2022 6:43 AM |

| | | | | | | | |
|------------------------|---|------------------------|----------------------------|---------|----|-----|--------------------|
| Jacobs, Adam | Goffstown, NH ajacobs@goffstownnh.gov | A Member of the Public | Myself | Support | No | No | 4/11/2022 7:27 AM |
| ranfos, victor | Allenstown, NH vranfos@pembroke-nh.com | A Member of the Public | Myself | Support | No | No | 4/11/2022 9:34 AM |
| Kinmond, Scott | Alton, NH dpwdirector@alton.nh.gov | A Member of the Public | Myself | Support | No | No | 4/11/2022 12:02 PM |
| Greer, Linda | Bedford, NH lgreer55@gmail.com | A Member of the Public | Myself | Support | No | No | 4/12/2022 7:56 AM |
| Ramos, James | Manchester, NH jramos@manchesternh.gov | A Member of the Public | Myself | Support | No | No | 4/12/2022 7:57 AM |
| Royce Perry, Jennifer | Deerfield, NH jperry@exeternh.gov | A Member of the Public | Myself | Support | No | No | 4/12/2022 8:14 AM |
| Cartier, Todd | Newport, NH tcartier@newportnh.gov | A Member of the Public | My Public Works Department | Support | No | No | 4/12/2022 8:16 AM |
| Sargent, Bill | Littleton, NH bsargent@townoflittleton.org | A Member of the Public | Myself | Support | No | Yes | 4/12/2022 8:32 AM |
| Friend-Gray, Owen | Nottingham, NH owen.friendgray@gmail.com | A Member of the Public | Myself | Support | No | No | 4/12/2022 8:36 AM |
| Demers, Kevin | Manchester, NH kdemers@concordnh.gov | A Member of the Public | Myself | Support | No | No | 4/12/2022 8:40 AM |
| Watters, Senator David | Dover, NH david.watters@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 4/12/2022 8:49 AM |
| Eckstrom, Britt | Portsmouth, NH britteckstrom@gmail.com | A Member of the Public | Myself | Support | No | No | 4/12/2022 9:36 AM |
| hall, christina | Town of Hanover, NH christina.hall@hanovernh.org | A Member of the Public | Myself | Support | No | No | 4/12/2022 10:01 AM |
| Mendoza, Adam | Pembroke, NH amendoza@pembroke-nh.com | A Member of the Public | Myself | Support | No | No | 4/12/2022 3:11 PM |

Archived: Thursday, May 19, 2022 9:57:02 AM
From: bsmith@nhwwa.org
Sent: Friday, April 8, 2022 3:31:35 PM
To: ~House Executive Departments and Administration
Subject: SB325 - Please Support
Importance: Normal

Dear Chairwoman McQuire and Committee members. Please find attached our short letter of testimony IN SUPPORT of SB325. We believe that public workers – including drinking water and wastewater operators that serve over half our state – should be treated as emergency responders. Without them we will lose life-critical services.

I am unable to attend the scheduled hearing, but please let me know if you have any questions about our position on this important legislation.

Sincerely,

Boyd Smith
President and CEO
NH Water Works Association
18 N. Main St., Suite 308
Concord, NH 03301
603-415-3959
www.nhwwa.org



April 8, 2022

Honorable Carol McGuire, Chairwoman
House Executive Departments and Administration
Legislative Office Building, Room 306
Concord, NH 03301

Re: Testimony Regarding SB325 - Support

Dear Chairwoman McGuire and Committee Members:

I am writing on behalf of the NH Water Works Association (NHWWA) and our 300+ supporters who represent roughly 2,500 regulated public drinking water suppliers serving two-thirds of New Hampshire residents and businesses with safe, reliable, and affordable drinking water. We are testifying in support of SB325 for the following reasons, and hope that you will also support SB325:

- The proposed legislation is necessary. Treating public works personnel as first responders recognizes the foundational services they provide. Without safe and clear roads, fire and rescue personnel cannot respond. Without wastewater treatment, drinking water becomes polluted. Without clean drinking water, manufacturing, firefighting, and our economy and health fail.

With the 2020 COVID outbreak, drinking water and wastewater operators sacrificed their time and comfort, and risked their safety to maintain levels of service, but were not prioritized for vaccination. This created unnecessary and unacceptable risks for all our citizens and visitors.

- The proposed legislation should be expanded. Public water supplies for tens of thousands of citizens are provided by private entities contracted with their customers (e.g. Pennichuck Water, Hampton Area Water Co., Aquarion Water). Village Districts and Precincts (which are enabled by the Legislature but often overlooked by State and national policy) also provide clean water to thousands of citizens. All workers that provide critical public services must be considered “first responders” to avoid substantial system failures.

We recommend that SB325 be voted Ought to Pass, and that additional work on this important topic continue with minimal interruption.

Thank you for your consideration of our testimony and please let me know if you have any questions.

Sincerely,

Boyd Smith

President and CEO

BSmith@NHWWA.org

SB 325 - AS AMENDED BY THE SENATE

02/24/2022 0705s

2022 SESSION

22-3060

07/04

SENATE BILL **325**

AN ACT relative to local organization for emergency management and first responders.

SPONSORS: Sen. Cavanaugh, Dist 16; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Soucy, Dist 18; Rep. Edgar, Rock. 21; Rep. Buco, Carr. 2; Rep. Cushing, Rock. 21; Rep. Mullen, Hills. 7

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill defines first responders and includes first responders in the definitions of emergency management and local organization for emergency management within the division of homeland security and emergency management.

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 Twenty Two

AN ACT relative to local organization for emergency management and first responders.

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

1 1 Department of Safety; Homeland Security and Emergency Management; First Responders.
2 Amend RSA 21-P:35 to read as follows:

3 21-P:35 Definitions. In this subdivision:

4 I. "Commissioner" means the commissioner of safety.

5 II. [Repealed.]

6 III. "Council" means the advisory council on emergency preparedness and security.

7 IV. "Director" means the director of the division of homeland security and emergency
8 management.

9 V. "Emergency management" means the preparation for and the carrying out of all
10 emergency functions, including but not limited to emergency response, ~~and~~ training functions, *or*
11 *the utilization of first responders, in order to prepare for*, prevent, minimize, and repair injury
12 or damage resulting from the occurrence or threat of widespread or severe damage, injury, or loss of
13 life or property resulting from any natural or human cause, including but not limited to fire, flood,
14 earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water
15 contamination requiring emergency action to avert danger or damage, epidemic, air contamination,
16 blight, drought, infestation, explosion, terrorist act, or riot.

17 VI. "Local organization for emergency management" means an organization created in
18 accordance with the provisions of this subdivision by state, county, or local authority to perform local
19 emergency management functions, *which may direct the utilization of first responders*.

20 VII. "Political subdivision" means counties, cities, towns, and duly established village
21 precincts.

22 VIII. "State of emergency" means that condition, situation, or set of circumstances deemed
23 to be so extremely hazardous or dangerous to life or property that it is necessary and essential to
24 invoke, require, or utilize extraordinary measures, actions, and procedures to lessen or mitigate
25 possible harm.

26 IX. *"First responders" means state, county, and local governmental and*
27 *nongovernmental emergency public safety fire, law enforcement, public safety*
28 *telecommunications or dispatcher, emergency response, emergency medical services*
29 *providers including hospital emergency facilities, emergency management, public health,*
30 *clinical care, public works, and other skilled support personnel, such as equipment*

1 *operators, that provide immediate support services necessary to perform emergency*
2 *management functions.*

3 2 Effective Date. This act shall take effect 60 days after its passage.