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New Hampshire Emergency Management and Homeland Security Authorities Summarized

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Summary

New Hampshire's Office of Emergency Management is administered by the director of fire safety and emergency management. In addition to the governor, seven state units exercise major disaster and emergency responsibilities. Both the governor and General Court have the power to declare that an emergency exists. Disaster aid is provided from an emergency response budget and disaster funding that is tied to federal support. The New Hampshire legislature has enacted specific emergency drinking water and emergency communications system statutes.

This report is one of a series that profiles emergency management and homeland security statutory authorities of the 50 states, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, and the U.S. Virgin Islands. Each profile identifies the more significant elements of state statutes, generally as codified. Congressional readers may wish to conduct further searches for related provisions using the Internet link presented in the last section of this report. The National Conference of State Legislatures provided primary research assistance in the development of these profiles under contract to the Congressional Research Service (CRS). Summary information on all of the profiles is presented in CRS Report RL32287. This report will be updated as developments warrant.

Entities with Key Responsibilities

Governor: The governor is authorized to make, amend, suspend and rescind orders, rules and regulations in the event of a disaster, and may: enter into mutual aid agreements with other states; provide emergency lines of succession to appointive offices of state government to ensure continuity of government; and cooperate with the President, armed forces, the Federal Emergency Management Agency, and states for drills and evacuations (N.H. Rev. Stat. Ann §4:47). In the event a disaster occurs that is beyond local control,

the governor may assume direct operational control over all or part of the emergency management functions in the state (N.H. Rev. Stat. Ann. §21-P:37). During a state of emergency the governor may require evacuation and remove officers from public office (N.H. Rev. Stat. Ann. §4:45). In the event of a radiological emergency, the governor is authorized to regulate the utility (as specified in statute) if the operator of the facility cannot control the situation (N.H. Rev. Stat. Ann. §107-B:6).

Office of Emergency Management: The office operates under the direction of the director of the Division of Fire Safety and Emergency Management. With the approval of the director, office staff coordinate the activities of all emergency management organizations. The lead staff serve as coordinators of emergency management under the director. The office is to determine the communications capabilities during natural or manmade disasters, supplement communications resources, and make recommendations about communications to the director (N.H. Rev. Stat. Ann. §21-P:34 et seq.).

Director of Emergency Management: The director is authorized to: prepare a comprehensive plan and program for state emergency management that integrates with federal and other states' plans; coordinate the preparation of plans and programs for emergency management in political subdivisions and private agencies; procure supplies and equipment; provide training and public information programs and trained and equipped staff for emergencies; conduct studies and surveys of industries as well as transportation, communications, housing and medical facilities for vital supplies; coordinate mutual aid within the state; and cooperate with the federal government and other states and private agencies (N.H. Rev. Stat. Ann. §21-P:37). The director also conducts an annual review of municipal emergency response plans for radiological preparedness. Municipalities must submit annual radiological emergency response budgets to the director and provide an opportunity for public comment. The director receives budget requests from state agencies regarding radiological emergency preparedness (N.H. Rev. Stat. Ann. §107-B:2).

Division of Fire Safety and Emergency Management: The division, located within the Department of Safety, and under the supervision of the state fire marshal, coordinates the state's response to hazardous materials accidents and pipeline incidents (N.H. Rev. Stat. Ann. §21-P:12).

Commissioner of Health and Human Services: During a state of emergency the commissioner: carries out public health activities in collaboration with the Office of Emergency Management; purchases and distributes anti-toxins, vaccines, and antibiotics, and controls the use, sale, distribution and transportation of such products; investigates the threat of disease caused by natural disaster, radiation, chemical exposure, or bioterrorism; may require immunizations, but the statute prohibits genetic testing of samples taken during an emergency (N.H. Rev. Stat. Ann. §21-P:49).

Advisory Council on Emergency Preparedness and Security: The council advises the governor on the state's ability to respond to natural and manmade disasters, as well as the preparation and maintenance of a disaster plan that conforms to federal regulations. The Director of the Division of Fire Safety and Emergency Management serves as chair of the council, and must seek its advise on the allocation of federal and state resources. The council reports legislative recommendations to the governor and the leaders of the legislature (N.H. Rev. Stat. Ann. §21-P:48).

Joint Legislative Oversight Committee: The committee consists of nine state legislators who provide oversight and liaison to the emergency management system; it works with the Department of Health and Human Services to develop procedures for each level of emergency; conducts a study of major problems and concerns about planning, testing, and implementing states of emergency. The committee must hold public hearings and report annually to legislative leaders, the governor, and the state library (N.H. Rev. Stat. Ann §21-P:51).

Local organization for emergency management: In accordance with the state emergency management plan, each political subdivision must establish an organization to perform emergency management functions within its jurisdictional limits. The director of each local organization is authorized to sign contracts to protect public health and safety and to assist victims (N.H. Rev. Stat. Ann. §21-P:39).

Preparedness

See “Entities with Key Responsibilities.”

The governor, state agency heads, and local executive officers must use services, equipment, and supplies of existing departments to the extent practicable. All officers are directed to cooperate with the governor and emergency management organizations (N.H. Rev. Stat. Ann §21-P:44).

The Department of Environmental Services must develop plans, with the advice and assistance of the Office of Emergency Management, for emergency conditions and situations that may endanger the public health or welfare by the contamination of drinking water (N.H. Rev. Stat. Ann. §485:40).

Declaration Procedures

The governor may declare a state of emergency by executive order in the event a natural, technological, or man-made disaster is imminent or has occurred. The General Court has the same power to declare a state of emergency by concurrent resolution of the House and the Senate. The executive order must list the nature of the emergency, the area affected, and the duration of the emergency if less than 21 days. The state of emergency automatically terminates 21 days after the declaration, with renewals allowed as many times as the governor deems necessary. The emergency may be terminated by the governor with an executive order, or the legislature may terminate the emergency with a concurrent resolution. However, the governor may declare an emergency again for new reasons (N.H. Rev. Stat. Ann. §4:45).

In any disaster or catastrophe that occurs or is imminent due to the discharge of oil, the governor may declare an emergency in any or all sections of the state. The governor may terminate the emergency by issuing another proclamation, to be published and posted in public locations (N.H. Rev. Stat. Ann. §146-A:12).

Types of Assistance

The state is authorized to make a contribution to a city, town, or unincorporated place that suffers damages to highways because of a disaster (N.H. Rev. Stat. Ann. §235:34).

A county or municipality is authorized to loan police equipment or services without cost (N.H. Rev. Stat. Ann. §106-C:8).

Mutual Aid

The Emergency Management Assistance Compact (EMAC) and the Northeastern American/Canadian Emergency Management Assistance Compact (NAEMAC) are codified (R.S.A. §108:1).

Each director of a local emergency management organization, in collaboration with other officials, is authorized to develop mutual aid arrangements for assistance in the event a disaster overwhelms local resources. The agreements must be consistent with the state emergency management plan (N.H. Rev. Stat. Ann. §21-P:40).

County commissioners or municipalities may permit, by ordinance, a sheriff's department or the chief of police to direct assistance to another county or municipality at the time of an emergency. The police department, with a special reaction team, may deploy the team to extend assistance to another county or municipality (N.H. Rev. Stat. Ann. §§106-C:3, 3-a).

If an emergency arises in a county or municipality, the chief executive of that county or municipality is authorized to decide whether to recall loaned staff and equipment. Such a decision supercedes a mutual aid agreement (N.H. Rev. Stat. Ann. §106-C:9).

Funding

The New Hampshire Emergency Response and Recovery Fund provides matching funds required for federal disaster assistance grants. The fund does not lapse; money is appropriated to the Department of Public Safety (N.H. Rev. Stat. Ann. §21-P:46).

A special town meeting may be called to authorize the expenditure of federal funds allocated as a result of a major disaster declared by the governor. A meeting may also be called to appropriate the local matching share of funds (N.H. Rev. Stat. Ann. §31:5-a).

Each political subdivision may appropriate funds for local emergency management organizations. Services, equipment, supplies, material, and funds in the form of gifts, grants or loans may be accepted from the federal government, with the consent of the governor, for use by the state or political subdivisions (N.H. Rev. Stat. Ann. §21-P:43).

Each utility operating a nuclear power plant is assessed a fee for the cost of preparing, maintaining and operating a nuclear planning and response program. The costs of preparing the plan and providing equipment and material are met by fees assessed by the public utilities commission (N.H. Rev. Stat. Ann. §§107-B:3-5).

Damage or loss of equipment while answering another locality's call for assistance must be paid by the requesting county (N.H. Rev. Stat. Ann §106-C:5). A city or municipality that receives emergency assistance must reimburse the responding unit of government for compensation, travel, and maintenance costs (N.H. Rev. Stat. Ann. §106-C:7).

Hazard Mitigation

No specific provisions.

Continuity of Government Operations

To ensure the continuity of state and local government operations during an emergency that results from disasters associated with enemy attack, the General Court is authorized to provide for prompt and temporary succession to the powers and duties of public offices, and to adopt such other measures as may be necessary and proper (N.H. Const. Pt. 2 Art. 5-a).

In cases where dangers to the health or lives of legislators may arise from their attendance at the General Court, the governor may direct the session to be held at some other place within the state (N.H. Const. Pt. 2 Art. 43).

The governor is authorized to declare a temporary location for the seat of government. The legislature may establish a new location by law or return to the normal seat of government at the end of the emergency (N.H. Rev. Stat. Ann. §4:45 (III)).

The governor is authorized to provide for emergency lines of succession to appointive offices of the state government to ensure continuity of government operations (N.H. Rev. Stat. Ann. §4:47 (II)).

In the event of a disaster political subdivisions may meet at any place within or without territorial limits, and may designate by ordinance alternative sites as emergency temporary locations where public business is to be conducted. Such sites must be within the state (N.H. Rev. Stat. Ann. §21-P:39 (IV)).

Other

The statute establishes immunity for specified law enforcement officers who assist in another unit of local government. Officers are not liable for acts or omissions in service while rendering emergency assistance to another subdivision (N.H. Rev. Stat. Ann. §106-C:6).

The statute provides immunity and workers' compensation to emergency management workers during a disaster (N.H. Rev. Stat. Ann. §21-P:41).

A person offering shelter is not liable for death or injury or for damages or loss of property (N.H. Rev. Stat. Ann. §21-P:42).

The statute provides for compensation if real or personal private property is taken during an emergency (N.H. Rev. Stat. Ann. §4:46).

Key Terms

Table 1. Key Emergency Management and Homeland Security Terms Defined in New Hampshire Statutes, with Citations

Terms	Citations
Critical incident emergency	N.H. Rev. Stat. Ann. §106-C:1(VIII)
Emergency	N.H. Rev. Stat. Ann. §106-C:1(I)
Emergency management	N.H. Rev. Stat. Ann. §21-P:35(V)
Emergency management worker	N.H. Rev. Stat. Ann. §21-P:41(III)
Local organization for emergency management	N.H. Rev. Stat. Ann. §21-P:35(VI)
Special reaction team	N.H. Rev. Stat. Ann. §106-C:1(VII)
State of emergency	N.H. Rev. Stat. Ann. §21-P:35(VIII)

For Further Research

The citations noted above and other elements of the state code for New Hampshire may be searched at: [<http://www.state.nh.us/government/laws.html>].