

Draft C of C Amendment to HB 2-FN-A-LOCAL

1 Replace:

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3 459 Emergency Powers; Notice; Termination at 30 Days. Amend RSA 4:45, I and II to read as  
4 follows:

5 I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-  
6 P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made  
7 disaster of major proportions is imminent or has occurred within this state, and that the safety and  
8 welfare of the inhabitants of this state require an invocation of the provisions of this section. **As**  
9 **soon as practicable, the governor shall notify the speaker of the house of representatives**  
10 **and the senate president of the impending issuance of emergency orders under this section**  
11 **and provide a description of such orders.** The general court shall have the same power to  
12 declare a state of emergency by concurrent resolution of the house and senate. An executive order or  
13 concurrent resolution declaring a state of emergency shall specify the:

- 14 (a) Nature of the emergency;
- 15 (b) Political subdivisions or geographic areas subject to the declaration;
- 16 (c) Conditions that have brought about the emergency; and
- 17 (d) Duration of the state of emergency, if less than [21] **30** days.

18 II.(a) A state of emergency shall terminate automatically [21] **30** days after its declaration  
19 unless it is renewed under the [same] procedures set forth in [paragraph I of] this section. The  
20 governor may, by executive order, renew a declaration of a state of emergency as [many times as the  
21 governor finds is] necessary **prior to the requirements of subparagraph (d)** to protect the safety  
22 and welfare of the inhabitants of this state.

23 (b) If the governor finds that maintaining the state of emergency is no longer justified,  
24 the governor shall issue an executive order terminating the state of emergency.

25 (c) [~~The legislature may terminate a state of emergency by concurrent resolution~~  
26 ~~adopted by a majority vote of each chamber. The governor's power to renew a declaration of A state~~  
27 ~~of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph;~~  
28 ~~provided, however, that such resolution shall not preclude the governor from declaring a new~~  
29 ~~emergency for different circumstances under paragraph I of this section.] **The legislature may**  
30 **terminate a state of emergency or any emergency order issued thereunder by a majority**  
31 **vote of both the senate and the house of representatives. A majority for this vote shall**  
32 **consist of a majority of members present and voting in each chamber acting separately. A**~~

1 *state of emergency shall terminate upon a majority vote of both chambers under this*  
2 *subparagraph;* provided, however, that such [~~resolution~~] *vote* shall not preclude the governor from  
3 declaring a new emergency for different circumstances under paragraph I of this section.

4 *(d) Ninety days from the date of declaration of a state of emergency, and every*  
5 *90 days thereafter, the governor shall call, pursuant to Part II, Article 50 of the New*  
6 *Hampshire constitution, and address a joint session of the general court, and shall provide*  
7 *a written copy of the address to all members of both chambers within 5 business days. At*  
8 *such joint session, the legislature shall either affirm the renewal or terminate the state of*  
9 *emergency by concurrent resolution adopted by a simple majority of both chambers acting*  
10 *separately on the following question: "Shall the current state of emergency be continued?"*  
11 *For purposes of this section, "simple majority" means a majority of members present and*  
12 *voting "yea" in both chambers.*

13 460 New Paragraphs; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45 by  
14 inserting after paragraph III the following new paragraphs:

15 IV. Members of the legislature shall be exempt from any emergency orders that would  
16 infringe on their ability to travel and conduct their business as representatives of the people.

17 V. No federal, private, or other non-state gift, grant, or loan for purposes of emergency  
18 powers of the state which exceeds \$100,000, shall be accepted until such action shall be approved by  
19 the fiscal committee of the general court according to RSA 14:30-a, VI. Under this section, the  
20 governor shall submit an item to the chairperson of the fiscal committee of the general court for  
21 consideration by the fiscal committee. If the fiscal committee of the general court does not accept or  
22 reject the item within 5 business days, the governor may accept and expend the funds without  
23 further action by the fiscal committee.

24 VI. Under circumstances requiring emergency action for the immediate health, safety and  
25 welfare of the citizens of New Hampshire, the governor has the sole authority to accept and expend  
26 funds hereunder. Within 24 hours of the governor's acceptance or expenditure of funds pursuant to  
27 this section, the governor shall notify the senate president, speaker of the house of representatives,  
28 and chair of the fiscal committee of the general court of the acceptance or expenditure of such funds.

29 461 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after  
30 section 43 the following new section:

31 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this  
32 subdivision under a state of emergency to the executive council for informational purposes only  
33 within 30 days of the expenditure, in order to ensure transparency.

34 462 Severability. If any provision of RSA 4:45 as amended by this act is declared  
35 unconstitutional or the applicability thereof to any person or circumstance is held invalid, the  
36 constitutionality of the remainder of RSA 4:45 and the applicability thereof to other persons and  
37 circumstances shall not be affected thereby.

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1       462-a Effective Date. Sections 459-462 of this act shall take effect upon its passage.