

HB 417 - AS AMENDED BY THE SENATE

8Apr2021... 0973h

05/27/2021 1591s

05/27/2021 1661s

2021 SESSION

21-0619

10/04

HOUSE BILL **417**

AN ACT relative to the powers of the governor during a declared state of emergency.

SPONSORS: Rep. Roy, Rock. 32; Rep. Belanger, Rock. 9; Rep. Layon, Rock. 6; Rep. Avellani, Carr. 5; Rep. Vail, Hills. 30; Rep. Cushman, Hills. 2

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill terminates a state of emergency called by the governor after 30 days, modifies the emergency powers, and requires approvals by the fiscal committee of the general court in certain instances.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the powers of the governor during a declared state of emergency.

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

1 1 Emergency Powers; Notice; Termination at 30 Days. Amend RSA RSA 4:45, I and II to read as
2 follows:

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

12 (a) Nature of the emergency;

13 (b) Political subdivisions or geographic areas subject to the declaration;

14 (c) Conditions that have brought about the emergency; and

15 (d) Duration of the state of emergency, if less than ~~[21]~~ **30** days.

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

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

22 (c) The legislature may terminate a state of emergency ***or any emergency order issued***
23 ***thereunder*** by concurrent resolution adopted by a majority vote of each chamber. The governor's
24 power to renew a declaration of a state of emergency shall terminate upon the adoption of a
25 concurrent resolution under this subparagraph; provided, however, that such resolution shall not
26 preclude the governor from declaring a new emergency for different circumstances under paragraph
27 I of this section.

28 2 New Paragraphs; State of Emergency; Procedure. Amend RSA 4:45 by inserting after
29 paragraph III the following new paragraphs:

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

3 V. The acceptance and expenditure of any federal, private, or other non-state gift, grant, or
4 loan for purposes of emergency powers of the state pursuant to RSA 21-P:43 which exceed \$100,000,
5 shall be required to be approved by the fiscal committee of the general court according to RSA 14:30-
6 a. Notwithstanding any other provision of law, under circumstances requiring expedited action for
7 the immediate health, safety and welfare of the citizens of New Hampshire, the governor has the
8 sole authority to accept and expend funds hereunder.

9 VI. Under this section, the governor shall submit an item to the chairperson of the fiscal
10 committee of the general court for consideration by the fiscal committee. If the fiscal committee of
11 the general court does not render a rejection or acceptance within 5 business days, the governor shall
12 be able to accept and expend the funds without further action by the fiscal committee.

13 3 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after section
14 43 the following new section:

15 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this
16 subdivision under a state of emergency to the executive council for informational purposes only, in
17 order to ensure transparency.

18 4 Applicability of Act. The provisions of this act shall take effect upon the latter of either the
19 passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified
20 to the secretary of state and the director of legislative services by the office of the governor.

21 5 Effective Date. This act shall take effect as provided in section 4 of this act.