

Amendment to HB 417

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to the powers of the governor during a declared state of emergency.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 Emergency Powers; Termination at 30 Days. Amend RSA RSA 4:45, I(d) and II to read as
8 follows:

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

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

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

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

22 2 New Paragraphs; State of Emergency; Procedure. Amend RSA 4:45 by inserting after
23 paragraph III the following new paragraphs:

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

26 V. The acceptance and expenditure of any federal, private, or other non-state gift, grant, or
27 loan for purposes of emergency powers of the state pursuant to RSA 21-P:43 which exceed \$100,000,
28 shall be required to be approved by the fiscal committee of the general court according to RSA 14:30-

29 a. Notwithstanding any other provision of law, under circumstances requiring expedited action for
30 the immediate health, safety and welfare of the citizens of New Hampshire, the governor has the
31 sole authority to accept and expend funds hereunder.

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

5 3 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after section
6 43 the following new section:

7 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this
8 subdivision under a state of emergency to the executive council for informational purposes only, in
9 order to ensure transparency.

10 4 Applicability of Act. The provisions of this act shall take effect upon the latter of either the
11 passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified
12 to the secretary of state and the director of legislative services by the office of the governor.

13 5 Effective Date. This act shall take effect as provided in section 4 of this act.

2021-1591s

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.