

Floor Amendment to HB 417

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

2
3 AN ACT relative to a state of emergency called by the governor.
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 4:45, I(d) and II to read as follows:

8 (d) Duration of the state of emergency, if less than ~~[24]~~ **30** days.

9 II.(a) A state of emergency shall terminate automatically ~~[24]~~ **30** days after its declaration
10 unless it is renewed under the same procedures set forth in paragraph I of this section. The
11 governor may, by executive order, renew a declaration of a state of emergency as many times as the
12 governor finds is necessary to protect the safety and welfare of the inhabitants of this state.

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

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

21 2 New Paragraphs; State of Emergency; Procedure. Amend RSA 4:45 by inserting after
22 paragraph III the following new paragraphs:

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

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

31 VI. Under this section, the governor shall submit an item to the chairperson of the fiscal
32 committee of the general court for consideration by the fiscal committee. If the fiscal committee of

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1 the general court does not render a rejection or acceptance within 5 business days, the governor shall
2 be able to accept and expend the funds without further action by the fiscal committee.

3 3 Budget and Appropriations; Civil Emergency. Amend RSA 9:13-d to read as follows:

4 9:13-d [~~Civil~~] **State of** Emergency. Should it be determined by the governor that a [~~civil~~] **state**
5 **of** emergency exists, the governor may, with the advice and consent of the fiscal committee,
6 authorize [~~such~~] expenditures, **which, in total, equal or exceed \$100,000**, by any department or
7 agency, as may be necessary to effectively deal with said [~~civil~~] emergency and may draw [~~his~~]
8 warrants in payment for the same from any money in the treasury not otherwise appropriated. In
9 determining whether [~~a civil~~] **an** emergency exists, the governor shall consider whether there is such
10 imminent peril to the public health, safety and welfare of the inhabitants of this state so as to
11 require immediate action to remedy the situation. This section shall not be construed to enlarge any
12 of the powers which the governor may possess under the constitution or other statutes.

13 4 Applicability of Act. The provisions of this act shall take effect upon the latter of either the
14 passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified
15 to the secretary of state and the director of legislative services by the office of the governor.

16 5 Effective Date. This act shall take effect as provided in section 4 of this act.

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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.