

HB 275 - VERSION ADOPTED BY BOTH BODIES

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2021 SESSION

21-0749

05/10

HOUSE BILL

275

AN ACT relative to the declaration of a state of emergency.

SPONSORS: Rep. Binford, Graf. 15; Rep. Verville, Rock. 2; Rep. Hough, Belk. 3; Rep. Yokela, Rock. 33; Rep. Aldrich, Belk. 2; Rep. Abramson, Rock. 37; Rep. Seaworth, Merr. 20; Rep. Harley, Rock. 20; Rep. Greeson, Graf. 16; Rep. Testerman, Merr. 2

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill revises the authority of the governor and general court to declare, renew, or terminate a state of emergency.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the declaration of a state of emergency.

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

1 1 Emergency Powers; Notice; Declaration and Termination of State of Emergency. Amend RSA
2 4:45, I and II to read as 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. As
7 soon as practicable, the governor shall notify the speaker of the house of representatives and the
8 senate president of the impending issuance of emergency orders under this section and provide a
9 description of such orders. The general court shall have the same power to declare a state of
10 emergency by concurrent resolution of the house and senate. An executive order or concurrent
11 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 declared by the governor and less than 21**
16 **days, or if declared by the general court and less than 90 days.**

17 II.(a) A state of emergency shall terminate automatically 21 days after its declaration **if**
18 **declared by the governor, or 90 days after its declaration if declared by the general court,**
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~~] **no**
21 **more than 3 times if** the governor finds **it** is necessary to protect the safety and welfare of the
22 inhabitants of this state. **The general court may, by concurrent resolution, renew a**
23 **declaration of a state of emergency as many times as it finds is necessary to protect the**
24 **safety and welfare of the inhabitants of this state.**

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

27 (c) The legislature may terminate a state of emergency or any emergency order issued
28 thereunder by a [~~majority vote of both the senate and the house of representatives~~] **concurrent**
29 **resolution adopted by a majority vote of each chamber.** A majority for this vote shall consist of
30 a majority of members present and voting in each chamber acting separately. A state of emergency
31 shall terminate upon a [~~majority vote of both chambers~~] **concurrent resolution adopted by a**

HB 275 - VERSION ADOPTED BY BOTH BODIES

- Page 2 -

1 *majority vote of each chamber*, under this subparagraph; provided, however, that such vote shall
2 not preclude the governor from declaring a new emergency for different circumstances under
3 paragraph I of this section.

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

12 2 Effective Date. This act shall take effect upon its passage.