

NH RSA 107-C:5 EMERGENCY MANAGEMENT ACT VS NH RSA 4:45 POWERS OF THE GOVERNOR AND COUNCIL IN CERTAIN CASES (HB 1461 2002)	
<p><b>Title VIII. PUBLIC DEFENSE AND VETERANS' AFFAIRS</b>  <b>Chapter 107-C.</b>  <b>EMERGENCY MANAGEMENT ACT</b></p>	<p><b>HB1461</b> <i>AN ACT transferring the office of emergency management to the department of safety, division of fire safety and emergency management.</i></p>
<p><b>§§ 107-C:1 through 107-C:4.</b>  [Repealed] 257: 14, eff. 7/1/2002.</p>	<p><b>257:4 New Sections; Powers of the Governor and Council; Emergency Powers.</b>  Amend RSA 4 by inserting after section 44 the following new sections:</p>
<p><b>§ 107-C:5. State of Emergency Powers</b></p> <p>The provisions of this section shall be operative only during the existence of a state of emergency. <b>Such state of emergency may be proclaimed by the governor or by a joint resolution of the house and senate if the governor or the legislature in such resolution finds that a natural, technological or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.</b></p>	<p><b>4:45 State of Emergency Declaration; Powers. –</b></p> <p>I. <b>The governor shall have the power to declare a state of emergency</b>, as defined in RSA 21-P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. <b>The general court shall have the same power to declare a state of emergency by concurrent resolution of the house and senate. An executive order or concurrent resolution</b> declaring a state of emergency shall specify the:</p> <ul style="list-style-type: none"> <li>(a) Nature of the emergency;</li> <li>(b) Political subdivisions or geographic areas subject to the declaration;</li> <li>(c) Conditions that have brought about the emergency; and</li> <li>(d) Duration of the state of emergency, if less than 21 days.</li> </ul> <p>II. (a) A state of emergency shall terminate automatically 21 days after its declaration unless it is renewed under the same procedures set forth in paragraph I of this section. The governor may, by executive order, renew a declaration of a state of emergency as many times as the governor finds is necessary to protect the safety and welfare of the inhabitants of this state.</p> <p>(b) If the governor finds that maintaining the state of emergency is no longer justified, the governor shall issue an executive order terminating the state of emergency.</p> <p><b>(c) The legislature may terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber.</b> The governor's power to renew a declaration of a state of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph; provided, however, that such resolution shall not preclude the governor from declaring a new emergency for different circumstances under paragraph I of this section.</p>
<p><b>During such period as such state of emergency exists or continues, the governor</b></p>	<p>III. <b>During the existence of a state of emergency, and only for so long as such</b></p>

<p><b>shall have and may exercise the following additional emergency powers:</b></p>	<p><b><i>state of emergency shall exist, the governor shall have and may exercise the following additional emergency powers:</i></b></p>
<p>I. To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.</p>	<p>(a) To enforce all laws, rules, and regulations relating to emergency management and to assume control of any or all emergency management forces and helpers in the state.</p>
<p>II. To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.</p>	<p>(b) To sell, lend, lease, give, transfer, receive, or deliver materials or perform services for emergency management purposes on such terms and conditions as the governor shall prescribe and without regard to the limitations of any existing law, and to account to the state treasurer for any funds received for such property.</p>
<p>III. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.</p>	<p>(c) To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the state and to take such steps as are necessary for the receipt and care of such evacuees.</p>
<p>IV. Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under this chapter. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the governor may suspend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.</p>	<p>(d) Subject to the provisions of the state constitution, to remove from office any public officer having administrative responsibilities under RSA 21-P:34 through 21-P:48. Such removal shall be upon charges after service upon such person of a copy of such charges and after giving him or her an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the governor may suspend such person for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section shall be filled by the governor until it is filled as otherwise provided by law.</p>
<p>V. To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.</p>	<p>(e) To perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population.</p>
<p>VI. To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.</p>	<p>(f) To declare an emergency temporary location or locations for the seat of state government at such place or places within this state as the governor may deem advisable under the circumstances and to take such action and issue such orders as may be necessary for an orderly transaction of the affairs of state government to such emergency temporary location or locations. Such emergency temporary location or locations shall remain the seat of government until the legislature shall by law establish a new location or locations or until the state of emergency is declared to be ended by the governor and the seat of government is returned to its normal location.</p>
<p>Source: 1987, 162:1. 1992, 48:6, eff. Jan. 1, 1993. 1995, 130:5, eff. July 23, 1995; 310:182, eff. Nov. 1, 1995. 1999, 260:1, eff. July 1, 1999; 257: 14, eff. 7/1/2002.</p>	<p><b>Source.</b> 2002, 257:4, eff. July 1, 2002.</p>