

Sen. Morse, Dist 22
Sen. Bradley, Dist 3
Rep. Packard, Rock. 5
Rep. L. Ober, Hills. 37
June 16, 2021
2021-2017s
10/05

Draft C of C Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by inserting the following:

2

3 1 Emergency Powers; Notice; Termination at 30 Days. Amend RSA RSA 4:45, I and II to read as
4 follows:

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

- 14 (a) Nature of the emergency;
- 15 (b) Political subdivisions or geographic areas subject to the declaration;
- 16 (c) Conditions that have brought about the emergency; and
- 17 (d) Duration of the state of emergency, if less than [21] **30** days.

18 II.(a) A state of emergency shall terminate automatically [21] **30** days after its declaration
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 the
21 governor finds is necessary to protect the safety and welfare of the inhabitants of this state.

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

24 (c) [~~The legislature may terminate a state of emergency by concurrent resolution~~
25 ~~adopted by a majority vote of each chamber. The governor's power to renew a declaration of a state~~
26 ~~of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph.;~~
27 **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. A**
29 **majority for this vote shall consist of a majority of members present and voting in each**
30 **chamber acting separately. The governor's power to renew a declaration of a state of**

1 **emergency shall terminate upon a majority vote of both chambers under this**
2 **subparagraph;** provided, however, that such [~~resolution~~] **vote** shall not preclude the governor from
3 declaring a new emergency for different circumstances under paragraph I of this section.

4 2 New Paragraphs; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45 by
5 inserting after paragraph III the following new paragraphs:

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

8 V. No federal, private, or other non-state gift, grant, or loan for purposes of emergency
9 powers of the state which exceeds \$100,000, shall be accepted until such action shall be approved by
10 the fiscal committee of the general court according to RSA 14:30-a, VI. Under this section, the
11 governor shall submit an item to the chairperson of the fiscal committee of the general court for
12 consideration by the fiscal committee. If the fiscal committee of the general court does not accept or
13 reject the item within 5 business days, the governor may accept and expend the funds without
14 further action by the fiscal committee.

15 VI. Under circumstances requiring emergency action for the immediate health, safety and
16 welfare of the citizens of New Hampshire, the governor has the sole authority to accept and expend
17 funds hereunder. Within 24 hours of the governor's acceptance or expenditure of funds pursuant to
18 this section, the governor shall notify the senate president, speaker of the house of representatives,
19 and chair of the fiscal committee of the general court of the acceptance or expenditure of such funds.

20 3 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after section
21 43 the following new section:

22 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this
23 subdivision under a state of emergency to the executive council for informational purposes only
24 within 30 days of the expenditure, in order to ensure transparency.

25 4 Effective Date. Sections 1-3 of this act shall take effect upon its passage.
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AMENDED ANALYSIS

Add: 1. 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.