

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

1 Replace:

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3 459 Emergency Powers; Notice; Termination at 21 Days. Amend 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 days.

18 II.(a) A state of emergency shall terminate automatically 21 days after its declaration unless
19 it is renewed under the same procedures set forth in paragraph I of this section. The governor may,
20 by executive order, renew a declaration of a state of emergency as many times as the governor finds
21 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 provided, however, that such resolution shall not preclude the governor from declaring a new
28 emergency for different circumstances under paragraph I of this section.]~~ **The legislature may
29 terminate a state of emergency or any emergency order issued thereunder by a majority
30 vote of both the senate and the house of representatives. A majority for this vote shall
31 consist of a majority of members present and voting in each chamber acting separately. A
32 state of emergency shall terminate upon a majority vote of both chambers under this**

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

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

12 460 New Paragraphs; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45 by
13 inserting after paragraph III the following new paragraphs:

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

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

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

28 461 New Section; Homeland Security; Governor Duty. Amend RSA 21-P by inserting after
29 section 43 the following new section:

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

33 462 Severability. If any provision of RSA 4:45 as amended by this act is declared
34 unconstitutional or the applicability thereof to any person or circumstance is held invalid, the
35 constitutionality of the remainder of RSA 4:45 and the applicability thereof to other persons and
36 circumstances shall not be affected thereby.

37 462-a Effective Date. Sections 459-462 of this act shall take effect upon its passage.

AMENDED ANALYSIS

Replace:

137. Modifies the termination procedures and emergency power of the governor for a state of emergency, and requires approvals by the fiscal committee of the general court in certain instances.