

HB 417 - AS AMENDED BY THE HOUSE

8Apr2021... 0973h

2021 SESSION

21-0619

10/04

HOUSE BILL

**417**

AN ACT                    relative to the powers of the governor during a renewal of a declared state of emergency, and relative to the acceptance of federal assistance.

SPONSORS:            Rep. Roy, Rock. 32; Rep. Belanger, Rock. 9; Rep. Layon, Rock. 6; Rep. Avellani, Carr. 5; Rep. Vail, Hills. 30; Rep. Cushman, Hills. 2

COMMITTEE:        Executive Departments and Administration

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AMENDED ANALYSIS

This bill terminates a state of emergency called by the governor after 30 days and modifies the procedure for renewal. Any orders issued during the period of a renewal of the state of emergency shall be subject to prior approval by the legislature. This bill also requires executive council approval in the acceptance of services, equipment, supplies, materials, or funds from the federal government.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 powers of the governor during a renewal of a declared state of emergency, and relative to the acceptance of federal assistance.

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

1            1   Emergency Powers; Termination at 30 Days. Amend RSA 4:45, I(d) and II to read as  
2 follows:

3                    (d) Duration of the state of emergency, if less than [21] **30** days.

4                    II.(a) A state of emergency shall terminate automatically [21] **30** days after its declaration  
5 unless it is renewed ~~[under the same procedures set forth in paragraph I of this section. The~~  
6 ~~governor may, by executive order, renew a declaration of a state of emergency as many times as the~~  
7 ~~governor finds is necessary to protect the safety and welfare of the inhabitants of this state.]~~ **by the**  
8 **majority vote of each chamber of the legislature prior to termination. In the event that the**  
9 **legislature is unable to convene prior to the termination date, the state of emergency and**  
10 **orders issued pursuant thereto shall automatically extend in 14-day increments or until**  
11 **the legislature can convene to vote on the renewal, whichever comes first.**

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

14                    (c) The legislature may terminate a state of emergency by concurrent resolution adopted  
15 by a majority vote of each chamber. ~~[The governor's power to renew a declaration of a state of~~  
16 ~~emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph;]~~  
17 Provided, however, that such resolution shall not preclude the governor from declaring a new  
18 emergency for different circumstances under paragraph I of this section.

19            2   State of Emergency; Powers. Amend the introductory paragraph of RSA 4:45, III to read as  
20 follows:

21                    III. During the existence of [a] **an initial period of a** state of emergency, **prior to any**  
22 **renewal**, and only for so long as such state of emergency shall exist, the governor shall have and  
23 may exercise the following additional emergency powers:

24            3   New Paragraph; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45 by  
25 inserting after paragraph III the following new paragraph:

26                    IV.(a) If a state of emergency is renewed, any orders issued by the governor shall be  
27 approved by a majority of each chamber of the legislature, present and voting in such a manner as  
28 required by rules of the legislature, prior to such orders going into effect. In the event that the  
29 legislature is unable to convene within 3 calendar days of the renewal, the state of emergency and  
30 orders issued pursuant thereto shall automatically extend in 14-day increments or until the

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1 legislature can convene to vote on the orders for the renewal, whichever comes first. All emergency  
2 orders issued in the original 30-day state of emergency and any issued thereafter that were not  
3 subject to a vote in the legislature shall be presented to the legislature for a vote to be continued or  
4 terminated.

5 (b) The governor shall make every effort to assist members of the legislature in  
6 convening to include transportation to and from the location for the seat of state government should  
7 the circumstances of the emergency so require. Members of the legislature shall be exempt from any  
8 emergency orders that would infringe on their ability to travel or otherwise conduct their business as  
9 representatives of the people.

10 V. The acceptance of any federal, private, or other non-state gift, grant, or loan for purposes  
11 of emergency powers of the state which exceed \$100,000, shall be required to be approved by the  
12 fiscal committee of the general court according to RSA 14:30-a, VI.

13 4 Homeland Security; Executive Council Approval. Amend RSA 21-P:43 to read as follows:

14 21-P:43 Appropriations and Authority to Accept Services, Gifts, Grants, and Loans. Each  
15 political subdivision may make appropriations in the manner provided by law for making  
16 appropriations for the ordinary expenses of such political subdivision for the payment of expenses of  
17 its local organization for emergency management. Whenever the federal government or any federal  
18 agency or officer offers to the state, or through the state to any of its political subdivisions, services,  
19 equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency  
20 management the state, acting through the governor **and council**, commissioner, or such political  
21 subdivision, acting with the consent of the governor **and council** and through its executive officer,  
22 city council, or board of selectmen, may accept such offer, subject to the terms of the offer and the  
23 rules and regulations, if any, of the agency making the offer. Whenever any person, firm or  
24 corporation offers to the state or to any of its political subdivisions services, equipment, supplies,  
25 materials, or funds by way of gift, grant, or loan for purposes of emergency management the state,  
26 acting through the governor **and council**, or such political subdivision, acting through its executive  
27 officer, city council, or board of selectmen, may accept such offer, subject to its terms.

28 5 Applicability of Act. The provisions of this act shall take effect upon the latter of either the  
29 passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified  
30 to the secretary of state and the director legislative services by the office of the governor.

31 6 Effective Date. This act shall take effect as provided in section 5 of this act.