

HB 1321 - AS INTRODUCED

2022 SESSION

22-2160

08/11

HOUSE BILL ***1321***

AN ACT relative to the governor's power to declare a state of emergency.

SPONSORS: Rep. Horrigan, Straf. 6

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill removes certain restrictions on the governor's power to declare 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two

AN ACT relative to the governor's power to declare a state of emergency.

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

1 1 Emergency Powers; Notice; Termination at 21 Days. Amend RSA 4:45, I and II to read as
2 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 less than 21 days.

16 II.(a) A state of emergency shall terminate automatically 21 days after its declaration unless
17 it is renewed under the same procedures set forth in paragraph I of this section. The governor may,
18 by executive order, renew a declaration of a state of emergency as many times as the governor finds
19 is necessary to protect the safety and welfare of the inhabitants of this state.

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

22 (c) ***The legislature may terminate a state of emergency by concurrent resolution***
23 ***adopted by a majority vote of each chamber. The governor's power to renew a declaration***
24 ***of A state of emergency shall terminate upon the adoption of a concurrent resolution under***
25 ***this subparagraph; provided, however, that such resolution shall not preclude the***
26 ***governor from declaring a new emergency for different circumstances under paragraph I***
27 ***of this section.*** [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 majority for
29 this vote shall consist of a majority of members present and voting in each chamber acting
30 separately. A 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 90 days~~
4 ~~thereafter, the governor shall call, pursuant to Part II, Article 50 of the New Hampshire~~
5 ~~constitution, and address a joint session of the general court, and shall provide a written copy of the~~
6 ~~address to all members of both chambers within 5 business days. At such joint session, the~~
7 ~~legislature shall vote on whether to terminate the state of emergency by concurrent resolution~~
8 ~~adopted by a simple majority of both chambers acting separately on the following question: "Shall~~
9 ~~the current state of emergency be terminated?" For purposes of this section, "simple majority" means~~
10 ~~a majority of members present and voting "yea" in both chambers.]~~

11 2 Governor Duty. Amend RSA 21-P:43-a to read as follows:

12 21-P:43-a Governor Duty. The governor shall provide a list of all expenditures pursuant to this
13 subdivision under a state of emergency to the executive council [~~for informational purposes only~~]
14 within 30 days of the expenditure[~~, in order to ensure transparency~~].

15 3 Repeal. RSA 2021, 91:462, relative to the severability of provisions in 2021, HB 2 affecting the
16 emergency powers and duties of the governor, is repealed.

17 4 Effective Date. This act shall take effect upon its passage.