

HB 417 - AS INTRODUCED

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.

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

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 house of representatives.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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10/04

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.

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

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

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

II.(a) A state of emergency shall terminate automatically [~~21~~] **30** 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.~~] ***by the majority vote of the house of representatives prior to termination.***

(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.

(c) The legislature may terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. [~~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.

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

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

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

IV.(a) If a state of emergency is renewed, any orders issued by the governor shall be approved by a majority of the house of representatives, present and voting in such a manner as required by rules of the house of representatives, prior to such orders going into effect. In the event that the house of representatives is unable to convene within 3 calendar days of the renewal, the state of emergency and orders issued pursuant thereto shall automatically extend in 14-day increments or until the house of representatives can convene to vote on the orders for the renewal, whichever comes first. All emergency orders issued in the original 30-day state of emergency and any issued thereafter that were not subject to a vote in the house of representatives shall be presented to the house of representatives for a vote to be continued or terminated.

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

(c) No emergency order may be issued by the governor or approved by the house of representatives that would in anyway restrict the people's right to keep and bear arms beyond those laws specifically in effect prior to the state of emergency. This shall include but not be limited to the right of licensed firearms dealers to sell firearms and ammunition during any emergency or any order that would delay or otherwise hinder the delivery of such items so that they may be brought to market.

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