HCR 2 - AS INTRODUCED

2021 SESSION

21-0680
05/04

HOUSE CONCURRENT RESOLUTION ***2***

A RESOLUTION terminating the state of emergency declared by the governor due to the Novel Coronavirus (COVID-19).

SPONSORS: Rep. Blasek, Hills. 21; Rep. Prout, Hills. 37; Rep. Hough, Belk. 3; Rep. Binford, Graf. 15; Rep. Johnson, Belk. 3; Rep. Cushman, Hills. 2; Rep. Yokela, Rock. 33; Rep. Verville, Rock. 2; Rep. Wallace, Rock. 12; Rep. T. Lekas, Hills. 37

COMMITTEE: Legislative Administration

ANALYSIS

This concurrent resolution terminates, pursuant to the legislature's authority under RSA 4:45, II(c), the state of emergency declared by the governor due to COVID-19.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

A RESOLUTION terminating the state of emergency declared by the governor due to the Novel Coronavirus (COVID-19).

Whereas, the respiratory illness due to the Novel Coronavirus (COVID-19) was feared to overwhelm hospital capacity and outstrip medical resources, with an estimated 30,000 New Hampshire residents needing hospitalizations; and

Whereas, on March 13, 2020, Governor Christopher T. Sununu issued Executive Order 2020-04, an order declaring a state of emergency pursuant to RSA 4:45; and

Whereas, since April 3, 2020, the governor issued Executive Orders 2020-05, 2020-08, 20202-09, 20202-10, 2020-14, 2020-14, 2020-16, 20202-17, 2020-18, 2020-20, 2020-21, and 2020-23 extending the state of emergency declared in Executive Order 2020-04 by additional 21 day increments; and

Whereas, pursuant to RSA 4;45, I and II, the legislature also has the power to declare and terminate a state of emergency; and

Whereas, RSA 4:45, II(c) provides that "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;" and

Whereas, all surge flex facilities were closed and Department of Health and Human Services Commissioner Shibinette stated "Our hospitals have successfully created surge space within their existing facilities should demand exceed the capacity in their facilities"; and

Whereas, hospitalizations never exceeded 75 percent of the total inpatient bed capacity throughout the entire period of the state of emergency, and COVID-19 hospitalizations never exceeded 6-7 percent of all hospitalizations; and

Whereas, those over 70 years old have accounted for 88.9 percent of all deaths associated with COVID-19 in New Hampshire, while those over 70 years old only account for 11 percent of the New Hampshire population; and

Whereas, the CDC has published that the survival rate for COVID-19 under age 50 is 99.98 percent, age 50-69 is 99.5 percent and over 70 is 94.6 percent; and

Whereas, 81 percent of all deaths associated with COVID 19 were from residents in long term care facilities and those facilities are monitored and protected by the department of health and human services and not the governor's state of emergency orders; and

Whereas, in our constitutional republic, there are separate branches of government with equal powers and during this state of emergency, the executive branch has had more authority than is constitutional; and

Whereas, the legislature has been meeting regularly and is able to perform its constitutional function and the ability of the governor to make emergency orders is no longer required to handle the events of the Novel Coronavirus (COVID 19); now therefore be it

Resolved by the House of Representatives, the Senate concurring:

That, pursuant to RSA 4:45, II(c), the legislature hereby rescinds the state of emergency declared in Executive Order 2020-04, and all subsequent extensions of that order; and

That all executive branch orders and actions taken pursuant to Executive Order 2020-04, as extended by subsequent executive orders, shall expire on the effective date of this resolution; and

That the clerk of the house of representatives shall send a signed copy of this resolution to the governor, the attorney general, the speaker of the house of representatives and the senate president.