

Sen. Bradley, Dist 3
Sen. Hennessey, Dist 1
Sen. Giuda, Dist 2
Sen. Gray, Dist 6
Sen. French, Dist 7
Sen. Ward, Dist 8
Sen. Ricciardi, Dist 9
Sen. Daniels, Dist 11
Sen. Avard, Dist 12
Sen. Carson, Dist 14
Sen. Reagan, Dist 17
Sen. Birdsell, Dist 19
Sen. Morse, Dist 22
Sen. Gannon, Dist 23
January 5, 2022
2021-2311s
05/10

Floor Amendment to HB 440

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Definitions. In this act:

4 I. "Civil liberties" encompass any guarantee or protection against state action by a
5 governmental entity or agent enumerated in the New Hampshire Constitution or the United States
6 Constitution.

7 II. "Suspension" refers to a time period or condition in which courts of law do not or are not
8 required to subject government action to standard tiers of judicial review.

9 2 Civil Liberties Protected. No power delegated or otherwise granted by any statute or act of
10 this general court to the governor or any of the governor's subordinates, whether before or after the
11 date of this act, shall be construed to suspend or permit the suspension of civil liberties by the
12 governor or other executive branch official.

13 3 New Paragraph; State of Emergency; Powers of the Governor. Amend RSA 4:45 by inserting
14 after paragraph III the following new paragraph:

15 IV. Notwithstanding the foregoing enumerated powers, civil liberties shall on no account be
16 suspended, nor shall the United States Constitution or the New Hampshire Constitution be
17 suspended.

18 4 Emergency Management Powers. Amend RSA 4:47, III to read as follows:

19 III. The power to make, amend, suspend and rescind necessary orders, rules and regulations
20 to carry out the provisions of this subdivision in the event of a disaster beyond local control;
21 ***provided that civil liberties shall on no account be suspended, nor shall the United States***
22 ***Constitution or the New Hampshire Constitution be suspended.***

23 5 Effective Date. This act shall take effect upon its passage.