

# Committee Report

**REGULAR CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Judiciary to which  
was referred HB 402,**

**AN ACT relative to takings of property in a declared  
emergency. Having considered the same, report the  
same with the recommendation that the bill OUGHT TO  
PASS.**

**Rep. Michael Sylvia**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 402
Title:	relative to takings of property in a declared emergency.
Date:	March 10, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

**STATEMENT OF INTENT**

This bill enhances the protections guaranteed by the New Hampshire Constitution by requiring a supermajority vote of the legislature prior to property takings under a state of emergency. By commanding that two thirds of the house and senate agree to the necessity of a taking, this policy upholds our duty to protect our citizens' right to property as is found in Part I, Article 2 of the New Hampshire Constitution. As there is no known application of RSA 4:46 since its creation, this provision may never come to be used, but it stands as a strong support for the rights of the people of New Hampshire if there is ever a need.

Vote 11-10.

Rep. Michael Sylvia  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Judiciary

**HB 402**, relative to takings of property in a declared emergency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill enhances the protections guaranteed by the New Hampshire Constitution by requiring a supermajority vote of the legislature prior to property takings under a state of emergency. By commanding that two thirds of the house and senate agree to the necessity of a taking, this policy upholds our duty to protect our citizens' right to property as is found in Part I, Article 2 of the New Hampshire Constitution. As there is no known application of RSA 4:46 since its creation, this provision may never come to be used, but it stands as a strong support for the rights of the people of New Hampshire if there is ever a need. **Vote 11-10.**

**REGULAR CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Judiciary to which  
was referred HB 402,**

**AN ACT relative to takings of property in a declared  
emergency. Having considered the same, and being  
unable to agree with the Majority, report with the  
following resolution: RESOLVED, that it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Paul Berch**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	Judiciary
Bill Number:	HB 402
Title:	relative to takings of property in a declared emergency.
Date:	March 10, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

**STATEMENT OF INTENT**

The minority of the Judiciary Committee opposes this bill, which would create an unnecessary, impractical, and very expensive impediment to the state responding to a state of emergency. Under current law, if there is a required need for temporary taking of real or personal property, such taking must have the approval of the Governor and Executive Council. With minor exceptions, takings are limited in time and scope and do not include personal items used by individuals and families. This bill would add a requirement that the house and senate be convened and that any such taking be voted upon and agreed to by a supermajority in each chamber. An emergency is, by definition, an emergency. To call the house and senate into session is a time-consuming, expensive, and complex effort. A suitable place may have to be found; required notice and participation of the public will need to be arranged; access by state representatives and senators who will have difficulty attending due to the emergency may have to be considered. There appears to be no claim that the present system, utilizing the Governor and Executive Council, has not worked to protect the rights of the public during a stated emergency or natural disaster. Absent that, creating an expensive and unnecessary level of regulation seems unwarranted.

Rep. Paul Berch  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Judiciary

**HB 402**, relative to takings of property in a declared emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Berch for the **Minority** of Judiciary. The minority of the Judiciary Committee opposes this bill, which would create an unnecessary, impractical, and very expensive impediment to the state responding to a state of emergency. Under current law, if there is a required need for temporary taking of real or personal property, such taking must have the approval of the Governor and Executive Council. With minor exceptions, takings are limited in time and scope and do not include personal items used by individuals and families. This bill would add a requirement that the house and senate be convened and that any such taking be voted upon and agreed to by a supermajority in each chamber. An emergency is, by definition, an emergency. To call the house and senate into session is a time-consuming, expensive, and complex effort. A suitable place may have to be found; required notice and participation of the public will need to be arranged; access by state representatives and senators who will have difficulty attending due to the emergency may have to be considered. There appears to be no claim that the present system, utilizing the Governor and Executive Council, has not worked to protect the rights of the public during a stated emergency or natural disaster. Absent that, creating an expensive and unnecessary level of regulation seems unwarranted.

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets



HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB402

BILL TITLE:

DATE: 3-10-2021

LOB ROOM: 208/remote

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. SYLVIA      Seconded by Rep. McLEAN      Vote: 11-10

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:    YES     NO

Minority Report?  Yes     No    If yes, author, Rep: BERCH    Motion: ITL

Respectfully submitted: Kurt Wuelper  
Rep Kurt Wuelper, Clerk



2021 SESSION

Judiciary

Bill #: HB402 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 3-10-2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Gordon, Edward M. Chairman	11		
McLean, Mark Vice Chairman	1		
Sylvia, Michael J.	2		
Wuelper, Kurt F. Clerk	3		
Alexander, Joe H.	4		
Rice, Kimberly A.	5		
<del>Silber, Norman J.</del> <i>Lacelles, R</i>	6		
Greene, Bob J.	7		
Kelley, Diane E.	8		
Tausch, Lindsay	9		
Trottier, Douglas R.	10		
Smith, Marjorie K.		1	
Berch, Paul S.		2	
Horrigan, Timothy O.		3	
DiLorenzo, Charlotte I.		4	
Chase, Wendy		5	
Kenney, Cam E.		6	
Langley, Diane M.		7	
McBeath, Rebecca Susan		8	
Paige, Mark		9	
Simpson, Alexis		10	



2021 SESSION

Judiciary

Bill #: HB402 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 3-10

TOTAL VOTE: 

	11	10
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# Public Hearing

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB402

**BILL TITLE:** relative to takings of property in a declared emergency

**DATE:**3/5/2021

**LOB ROOM:** 208/Remote      **Time Public Hearing Called to Order:** 10:00 AM  
**Time Adjourned:** 10:14 AM

**Committee Members:** Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Rice, Silber, Greene, D. Kelley, Tausch, Trottier, M. Smith, Berch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson

**Bill Sponsors:** Rep Sylvia

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Rep. Sylvia Sponsor** This bill establishes a very high barrier to the taking of property in a state of emergency. Property rights are the foundation of everything. The bill requires the Legislature to approve a taking by two-thirds vote. Q Horrigan: Was there any taking under Covid that would be covered by your bill? A Not that I know of a. Q How could we get the vote when the legislature is not in session? A That is precisely why we should return to pre-2002. Emergencies are not something for which we can really plan. Q Smith: How would you differentiate between the gov't taking property and gthe gov't invasion of personal privacy? A I would have to think about that long and hard. Q Berch: In an emergency, how do you see the additional requirement of this bill working where there is a need for immediate action? A Again, your question speaks to the flaw in the current law. The currently required actions could happen in an hour with no recourse. Q DiLorenzo: Could you describe what "Taking" here means? A "Taking", in the statue, involves taking possession of real estate of title to such, so there are a couple of ways.



Rep Kurt Wuelper

# House Remote Testify

## Judiciary Committee Testify List for Bill HB402 on 2021-03-05

Support: 8 Oppose: 9 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 3:32 PM
Axelman, Elliot	HOOKSETT, NH aluaxelman@gmail.com	A Member of the Public	Myself	Support	No	No	2/28/2021 7:26 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No	2/28/2021 8:03 PM
Thomas, Nicholas	Manchester, NH nicholas.w.thomas@uconn.edu	A Member of the Public	Myself	Support	No	No	2/28/2021 9:10 PM
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Oppose	No	No	2/28/2021 11:31 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/1/2021 9:57 AM
Johnson, Dawn	Laconia, NH Dawn.Johnson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/1/2021 10:02 AM
House, Don	Belmont, NH donhouse@metrocast.net	A Member of the Public	Myself	Oppose	No	No	3/1/2021 10:15 AM
ploszaj, tom	center harbor, NH tom.ploszaj@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/1/2021 10:38 AM
Elliott, John	Goffstown, NH john@AllyUSTrading.com	A Member of the Public	Myself	Support	No	No	3/2/2021 12:08 PM
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/3/2021 2:09 PM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/4/2021 1:13 PM
Mennella, Alexandra	Hooksett, NH amennella1@protonmail.com	A Member of the Public	Myself	Support	No	No	3/4/2021 7:54 PM

Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/4/2021 9:19 PM
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Support	No	No	3/4/2021 11:27 PM
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Support	No	No	3/5/2021 8:26 AM
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Oppose	No	No	3/5/2021 8:33 AM

# Testimony



## HB402 Testimony

Dear Legislature,

I support HB 542 & HB 402 and would encourage you to pass it.

Sincerely,

Paul Shepler <sheplerp@gmail.com>

6 Silver Drive

Nashua, NH 03060

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To whom it may concern,

The literal definition of a Free Person includes the Right to Private Property, to be Safe and Secure in Their Home and Possessions.

To deprive someone of their property should be quite difficult if not impossible and certainly not at the command or whim of any single person.

The circumstances must truly be dire and be able to survive the full scrutiny of "The Light of Day."

Please support and approve HB 402.

Signed,

Patrick Lozito <patlozito@gmail.com>

Marie Lozito

52 High Street

Claremont NH 03743

603-542-5306

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Dear House Committee on Judiciary

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- **SUPPORT [HB 542](#):** Everyone deserves the right to worship in the way they see fit, even if that means a risk to their health. Obviously in a pandemic we are worried about the health of others too. To this point, those who fear for their health have never been forced to attend services in person. Furthermore, after a year of lockdown everyone is keenly aware of their social bubble and what range they feel comfortable. For these reasons please support HB 542.
  - **SUPPORT [HB 402](#):** Peaceful protest is essential. Fear of retaliation and heavy handed enforcement sows distrust in our society and prevents unity and calmer heads to prevail. For these reasons, please support HB 402.
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## HB402 Testimony

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Best Regards -- Dan P. ?[dci252@gmail.com](mailto:dci252@gmail.com)

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To whom it may concern:

My name is John Cawthron.

I live in Nashua, NH.

I also ask that you all support HB 402.

The governor's role should not be to insert the executive branch into private real estate takings during an emergency that he declared.

The taking of private property during a declared emergency is an over reach of the executive and that over reach needs to be checked by the legislature.

Any power the governor gives himself and then uses on the citizenry to an adverse effect is an insult to the NH State and US Constitutions.

The legislature needs to ensure that this taking of power by the governor is checked and ultimately rescinded.

Respectfully,

John Cawthron ?[johncaw@myfairpoint.net](mailto:johncaw@myfairpoint.net)

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To the committee,

HB 402 - requires a super majority to take property in a state of emergency. Surely a high standard is necessary before taking such a drastic measure.

Please work to keep New Hampshire free. Support and defend the NH Constitution that enshrines our liberties.

Thank you,

Deb Turcotte ?[dcturcotte@metrocast.net](mailto:dcturcotte@metrocast.net)

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Hi

Im writing to urge the House Judiciary committee to support both HB 542 & 402. Both bills are well crafted and much needed.

Thank You,

Stuart Bevin ?[stillwaterforestry@fastmail.com](mailto:stillwaterforestry@fastmail.com)

Stillwater Forestry LLC

(603) 865-1167

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Dear New Hampshire House Judiciary Committee,

I am writing in support of House Bills 542 and 402.

## HB402 Testimony

House Bill 402 also protects the New Hampshire citizens--this time against unauthorized takings by the state government through the supermajority vote, protecting the property rights of the citizenry in emergencies. HB 402 would help ensure that any government taking is rare and well considered during an emergency, when, as we have recently learned, government authorities can be overzealous, if not abusive, in exercising power.

Both bills would encourage and protect the freedoms of New Hampshire residents. I urge you to vote in support of both bills.

Thank you.

Serena A. Varley      [serenavarley@gmail.com](mailto:serenavarley@gmail.com)

Concord, NH

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HB 440 and 542

Please defend our rights by supporting these bills.

Thank you,

Kathy Yahnian    [kyahnian@icloud.com](mailto:kyahnian@icloud.com)

Chester NH

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Good afternoon,

Please register my support for HB 542, relative to the applicability of a state of emergency declaration to a house of worship. This bill would prohibit the executive from limiting public or private worship in any way during a state of emergency. No house of worship should be limited - whether during a state of emergency or not.

Thank you.

Antoinette Cincotta      [antoinettecincotta@gmail.com](mailto:antoinettecincotta@gmail.com)

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Richmond, NH

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Good afternoon,

Please also register my support for HB 402, relative to the taking of property in a declared emergency. I support this bill because it would require a supermajority of the Legislature to vote before the executive branch can take private property. This bill would help to restore the proper balance between the different branches of government in our state.

Thank you.

Antoinette Cincotta      [antoinettecincotta@gmail.com](mailto:antoinettecincotta@gmail.com)

Richmond, NH

## HB402 Testimony

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Dear Committee,

I strongly support HB 542 and HB 502 and my hope is that you would support it too.

I am a pastor of a small house church. We have continued meeting despite being told by the governor that we must follow all guidelines. Our faith rests in our Creator. We do not fear if we get COVID because our lives are in God's hand. If the government tells us we must do certain things to "protect ourselves" then they are infringing on our dearly held belief that our lives belong to our Creator and the number of our days are in His hands. Therefore, it is in the darkest and most difficult times that our faith is most on display. If we are forced to conform to what "everyone else" is told to do, then you have just taken away our ability to demonstrate our faith in God. Separation of church and state was meant as a check so that the state would never tell a church how to exercise their dearly held beliefs. Unfortunately, during this overly prolonged state of emergency that is exactly what the government has been doing.

In addition to being a pastor I own a restaurant to provide a livelihood for my family. Because of this, I have felt the pressure from the government to comply with certain emergency orders or risk my livelihood being shut down and lost. However, as a citizen I fully embrace a person's right to decide what is "healthy" and "safe" according to their own beliefs and world view. Business should not be allowed to target certain individuals based on their dearly held beliefs. Should a person be denied service because they are "not up to date on their vaccinations?" Who decides what "up to date is?" Should a person be denied service for not wearing a surgical mask? Who is to decide that a mask is the healthiest option for someone? As stated above, if someone's dearly held belief is that they should live trusting in God and not trusting in "science" should they be denied service at grocery stores, hair salons or gas stations?

Thank you for your consideration.

Mason Parker ?[parkerhousecoffee@live.com](mailto:parkerhousecoffee@live.com)

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I support this bill.

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[HB 402](#), relative to takings of property in a declared emergency. This bill requires a supermajority of the Legislature to vote before the executive branch can take private property.

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Priscilla F. Terry [prist610@verizon.net](mailto:prist610@verizon.net)

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Alton, NH cell: (401) 648-1609

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To whom it may concern

I am emailing to let you know that I support this bill and wish for it to pass

## HB402 Testimony

Thank-you for your consideration

Rose Garvin [rosie.garvin@comcast.net](mailto:rosie.garvin@comcast.net)

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Dear Committee members, as a registered voter I support HB 402 and urge you to do the same.

Regards,

Frank Blasko

**Liberty USA** [info@livefreeorcomply.com](mailto:info@livefreeorcomply.com)

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HB 440 and 542

Cheryl Fyfe

Pelham, NH

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Dear Committee,

Thank you for your work.

This email is in support of HB 402.

Taking private property is a serious thing.

A super-majority of the legislature should be the ONLY way the executive branch can take property in an emergency. There must be checks and balances.

Respectfully,

Mike Dolpies, Northfield

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Good evening,

I am writing to express my support of HB 402 in the protection of private property in a declared emergency.

Thank you,

Kelly Collins [kellyanncollins@live.com](mailto:kellyanncollins@live.com)

Hancock NH

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Imagine my surprise that the state can seize personal property!!

I support HB 402 which at least requires 2/3 of the House and 2/3 of the Senate to agree before the executive branch can take private individuals' property.

## HB402 Testimony

I would also support a complete ban, but 2/3 is at least a partial protection of private property.

Thank you,

Marian Knight <[gouma47sport@gmail.com](mailto:gouma47sport@gmail.com)>

Nashua, NH

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Dear committee,

One man's emergency may equal another man's normal day. Whether or not a super majority vote needs to override an executive in office, does not matter to me. I do not believe in any situation an executive has the right under their definition of emergency to take private property.

Brian K Blackden  
488 North State St.  
Concord NH 03301  
603-848-0221

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Please support HB 402. Whenever a state of emergency is declared or invoked and the taking of real or personal property is required, requiring assent of 2/3 of the senate and 2/3 of the house of representatives will help avoid abuse of Governor power during an emergency. We must keep such important decisions with input of our elected representatives in this constitutional republic. Otherwise, the potential for abuse of this is apparent, as seen with our current "Emergency" situation which has extended beyond justification (another matter entirely).

Please help support NH residents' protections, and support HB 402.

Thank you,

Phyllis Brown <[phyllis@stevebrownsellshomes.com](mailto:phyllis@stevebrownsellshomes.com)>

Derry, NH

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House Judiciary Committee,

I am sending this email to urge the committee to support HB 402!!!

I hope you consider doing the right thing and support 402!!

## HB402 Testimony

Respectfully,

Kellie Kellie Gear-Cota [kgearcota2014@yahoo.com](mailto:kgearcota2014@yahoo.com)

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- **SUPPORT HB 402**, relative to takings of property in a declared emergency. This bill requires a supermajority of the Legislature to vote before the executive branch can take private property.

STOP THE EXECUTIVE FROM TAKING PRIVATE PROPERTY IN A LAWLESS FASHION. Support HB 492

Tanechka [imstrategy@gmail.com](mailto:imstrategy@gmail.com)

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Please vote in support of this important bill.

Thank you,

Caroline Simmonds [csico43@hotmail.com](mailto:csico43@hotmail.com)

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Private property is among our most cherished liberties. Please do not allow governmental taking without the most stringent requirements. This includes a supermajority vote in any situation which would eliminate the vagaries associated with simple majorities wherein special interests have sway.

[lakeviewfarmsnh@gmail.com](mailto:lakeviewfarmsnh@gmail.com)

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Dear House Judiciary Committee Members,

I support HB 402. Please support the need for a legislative supermajority before the taking of private property by the executive branch during a declared emergency.

Thank you.

Jean Jeffords [jean.jeffords@comcast.net](mailto:jean.jeffords@comcast.net)

Bedford NH

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Thank you, Representatives, for representing me.

Although it is sad that NH needs to protect individual's right to personal property- something that should never be infringed upon, I am thankful that you have chosen to do just that- PROTECT PERSONAL PROPERTY. I am sad that this needs to be addressed here in my home state. But, I am thankful that you are forthright in knowing that specifying protections of this nature are now necessary to be WRITTEN into law instead of just implied. Thank you for having my best interest at heart. I missed the public hearing and wish this email to be submitted as "I SUPPORT- from Rochester Resident."

PLEASE PASS HB 402.

## HB402 Testimony

"This bill requires a two-thirds vote of the legislature for the taking of property in a declared emergency under RSA 4:46.

Amend the introductory paragraph of RSA 4:46, I to read as follows:

I. Whenever a state of emergency is declared or invoked and the taking of real or personal property is required, the governor with the advice and consent of the executive council, **and with the assent of two-thirds of the senate and two-thirds of the house of representatives**, may, by warrant specifying the particular real property and the personal property by specification of the types, quantities, and general location, together with the names of the owners, when known, authorize the commissioner of safety, by his or her agents, to:"

Thank you.

Sincerely,

Carol Petruszewicz      [clmcc2befree@yahoo.com](mailto:clmcc2befree@yahoo.com)

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Dear House Judiciary Committee;

It should not be easy for ones property to be taken from them. Please support the instituting of a supermajority of the legislature to vote before the executive branch can take ones property using a State of Emergency.

Thank You

Bryan Richardson      [marks-dad@ipatriots.us](mailto:marks-dad@ipatriots.us)

Alexandria, NH

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Rep Kurt Wuelper



Bill as  
Introduced

HB 402 - AS INTRODUCED

2021 SESSION

21-0483  
05/04

HOUSE BILL **402**

AN ACT relative to takings of property in a declared emergency.

SPONSORS: Rep. Sylvia, Belk. 6; Rep. A. Lekas, Hills. 37

COMMITTEE: Judiciary

ANALYSIS

This bill requires a two-thirds vote of the legislature for the taking of property in a declared emergency under RSA 4:46.

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.

21-0483  
05/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to takings of property in a declared emergency.

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

1 Taking of Private Property; Compensation and Use; Assent of the Legislature. Amend the introductory paragraph of RSA 4:46, I to read as follows:

I. Whenever a state of emergency is declared or invoked and the taking of real or personal property is required, the governor with the advice and consent of the executive council, ***and with the assent of two-thirds of the senate and two-thirds of the house of representatives***, may, by warrant specifying the particular real property and the personal property by specification of the types, quantities, and general location, together with the names of the owners, when known, authorize the commissioner of safety, by his or her agents, to:

2 Effective Date. This act shall take effect 60 days after its passage.