



State of
New Hampshire

HOUSE RECORD

Second Year of the 163rd General Court

Calendar and Journal of the 2014 Session

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Concord, N.H.

Wednesday, January 15, 2014

No. 6

HOUSE JOURNAL No. (Cont.)

Wednesday, January 8, 2014

Rep. Shurtleff moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 2

Wednesday, January 15, 2014

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Margaret Wood Hassan, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by the member from Salem, Representative Robert Elliott.

Almighty God, we thank Thee for another 24-hours of this precious gift we call human life. We know we have a long, tedious agenda ahead of us, so grant us patience. We know there will be many areas of disagreement, so grant us respectful tolerance. We know we bear heavy responsibilities for the people of New Hampshire, so grant us courage. But at the end of the day, O Lord, when all is said and done, help us to remember that we are not here as Democrats or Republicans, but as Representatives of all the people in New Hampshire and as we leave these hallowed halls, grant us the feeling of leaving with a sense of accomplishment and peace of mind. Amen.

Representative Raymond Gagnon, member from Claremont, Representative Jean Jeudy, member from Manchester, Representative Latha Mangipudi, member from Nashua, and Representative Carol McGuire, member from Epsom, led the Pledge of Allegiance.

Representative Melanie Levesque, member from Brookline and Representative Caroletta Alicea, member from Boscawen, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Aguiar, Arsenault, Ronald Belanger, Boisvert, Bradley, Charron, Connor, Susan Emerson, Hagan, Hayes, Helmstetter, Amy Perkins and Straight, the day, illness.

Reps. Burtis, Friel, Grace, Huot, Infantine, Gladys Johnsen, Kolodziej, McCloskey, Milz, Packard, Priestley and Joe Sweeney, the day, important business.

Reps. E. Elaine Andrews-Ahern, Lawrence Perkins, Renzullo and Worsman, the day, illness in the family.

INTRODUCTION OF GUESTS

Joshua White, son of Rep. Syndi White. Irene O'Neill, daughter of Rep. Sally Kelly. Fallon O'Brian, guest of Rep. Rebecca Brown. Rhoda Hardy and German Sanchez, guest of Rep. Alicea. Fourth graders from Weston Elementary School in Manchester, guests of the Manchester delegation.

Georgia Michalovic, a student at Lebanon High School and Grace Cushing a student at Winnacunnet High School, and daughter of Rep. Cushing, Pages for the day.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART I (CONT'D)

SPECIAL ORDER

HB 675-FN, authorizing and regulating the use of license plate scanning devices. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Delmar D. Burridge for the Majority of Criminal Justice and Public Safety. This bill, as amended, is enabling legislation that will allow cities, towns, and state law enforcement agencies to decide whether to use license plate

scanners, (LPR) devices. The use of the LPR technology will be strictly limited and will allow police officers to heighten traffic safety, recover stolen license plates and vehicles, and most importantly recover missing children under the Amber Alert system and apprehend individuals who present a risk to public safety. An LPR will be used by an officer to scan license plates only for certain law enforcement purposes as follows: stolen vehicles; vehicles driven or occupied by wanted, missing, or endangered persons; people who have defaulted court appearances; people with criminal warrants pending or in effect; people with suspended or revoked driver's licenses or registrations; persons suspected of criminal or terrorist acts, transportation of stolen items or contraband, or motor vehicle violations; commercial trucking enforcement; case specific criminal investigative surveillance; and finally, license plate canvasses in homicides, shootings, and other major crimes or incidents. Records of captured license plate numbers must be purged from the LPR within three minutes unless the identified vehicle causes an alarm which results in an arrest, citation, protective custody or identified a vehicle that was subject of a missing person or wanted broadcast. In the case of an alarm, the plate may be retained until disposition of the court case. New Hampshire is the only state that does not permit the use of LPR devices. In states using LPR's, several favorable court decisions have been issued to establish that this technology is proven, reliable, and verifiable. Finally, this bill establishes strict standards for using the devices and retaining data that will protect civil liberties, while ensuring limited but effective use. Vote 10-7.

Rep. Mark Warden for the Minority of Criminal Justice and Public Safety. The minority is extremely concerned about the erosion to Granite Staters' privacy advanced by this legislation. This bill would allow local police departments to acquire expensive license plate reader (LPR) devices to hand-hold or mount on law enforcement vehicles. This issue came to light when the Hanover PD was informed that it was violating state law for using such devices for parking enforcement. Several people from the public spoke against this bill. Only law enforcement spoke in favor. The NHCLU and association of criminal defense lawyers spoke in strong opposition to the bill. The committee is deeply divided. We have serious concerns about the accuracy of LPR devices. There are 50 states, and each state has multiple generations of plates, using different fonts and letter styles, not to mention special-issue versions such as Moose, Veterans, Arts, Pink Ribbon and other such plates. This bill also allows partial number matches, which exponentially expand the chance of false positives. Another concern is the accuracy of the data being cross-referenced by these systems. In regards to computer programming, there is the phrase, "garbage in, garbage out." New Hampshire has no way to verify that the databases contain up-to-date information about missing persons, moving violations, warrants, or other data points from 49 other states and the federal government. Yet all that information will be used to investigate local drivers whose NH plates register a match. We cannot enforce the accuracy of the databases, and thus the possibility for harassing innocent people is unacceptably high. The potential for wrongful traffic stops, car chases, and arresting non-offender drivers of vehicles is too great for the minority to accept. This Big Brother approach to policing goes against 4th Amendment protections to be secure in your papers and effects. Every minute law enforcement spends looking at license plate readers is a minute not patrolling dangerous neighborhoods or trying to solve crimes against people and property. Spending time and money to enforce unpaid parking tickets is not in the best interest of the people of this state.

Majority Amendment (2343h)

Amend the bill by replacing section 1 with the following:

1 New Section; Words and Phrases Defined; Number Plate Scanning Device. Amend RSA 259 by inserting after section 68 the following new section:

259:68-a "Number plate scanning device" or "LPR" means a license plate reading device that is either hand-held or mounted to a vehicle, that is attended to and operated by a law enforcement officer, and that uses automated high speed camera and optical character recognition technology to passively read, instantaneously identify against a list or lists, check, send an audible or visual alarm to the operator, and store for a prescribed period of time, a record of each number plate read.

Amend RSA 261:75-b, V as inserted by section 2 of the bill by deleting subparagraph (j).

Amend RSA 261:75-b, VI as inserted by section 2 of the bill by replacing it with the following:

VI. A positive match by an LPR device alone shall not constitute reasonable suspicion as grounds for a law enforcement officer to stop the vehicle. The officer shall develop independent reasonable suspicion for the stop or immediately confirm visually that the license plate on the vehicle matches the image of the license plate displayed on the LPR and confirm by other means that the license plate number is on one of the lists specified in paragraph V.

Amend RSA 261:75-b, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Records of number plates read by each LPR shall be purged from the system within 3 minutes of their capture unless an alarm resulted in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular number plate may be retained until final court disposition of the case.

Amend RSA 261:75-b as inserted by section 2 of the bill by inserting after paragraph X the following new paragraph:

XI. A law enforcement agency using an LPR device shall report to the commissioner annually, beginning one year from the date equipment is deployed, the following information compiled for the previous year:

- (a) The number of devices in use.
- (b) The number of matches made by the LPR devices.
- (c) The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.
- (d) The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes.
- (e) Other information requested by the commissioner.

AMENDED ANALYSIS

This bill authorizes and regulates the use of license plate scanning devices.
Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.
Reps. Kurk, Winters, Vaillancourt and James Webb spoke against and yielded to questions.
Rep. Warden spoke against.
Reps. Hirsch and Theberge spoke in favor.
Rep. Jones requested a roll call; sufficiently seconded.

YEAS 97 - NAYS 250

YEAS - 97 BELKNAP

DiMartino, Lisa

Fields, Dennis

Flanders, Donald

Raymond, Ian

CARROLL

Buco, Thomas

Crawford, Karel

Lavender, Tom

Ticehurst, Susan

CHESHIRE

Ames, Richard
Robertson, Timothy
Young, HarryButynski, William
Sad, TaraEaton, Daniel
Shepardson, MarjoriePhillips, Larry
Weber, Lucy

COOS

Theberge, Robert

Thomas, Yvonne

GRAFTON

Benn, Bernard
Lauer, Linda
Smith, SuzanneCooney, Mary
Massimilla, Linda
Townsend, CharlesFord, Susan
Mulholland, Catherine
White, AndrewHarding, Laurie
Nordgren, Sharon

HILLSBOROUGH

Campbell, David
Grady, Brenda
Hansberry, Daniel
Leishman, Peter
O'Brien, Michael
Shattuck, GilmanChandley, Shannon
Hackel, Paul
Jasper, Shawn
Levesque, Melanie
Porter, Marjorie
Sullivan, DanielCote, David
Haefner, Robert
Knowles, Mary Ann
MacKay, Mariellen
Rhodes, Brian
Walsh, RobertEaton, Richard
Hammond, Jill
Kopka, Angeline
McNamara, Richard
Rosenwald, Cindy
Woodbury, David

MERRIMACK

Alicea, Caroletta
Frazer, June
Kelly, Sally
Rice, Chip
Shurtleff, StephenAndrews, Christopher
French, Barbara
MacKay, James
Richardson, Gary
Walz, Mary BethBouchard, Candace
Gile, Mary
Moffett, Howard
Rogers, Katherine
Webb, LeighFrambach, Mary
Hirsch, Geoffrey
Ratzki, Mario
Schuett, Dianne

ROCKINGHAM

Cahill, Michael
Pantelakos, Laura
Sytek, JohnCopeland, Timothy
Rice, FrederickLovejoy, Patricia
Scarlotto, JoeMuns, Chris
St.James, Kevin

STRAFFORD

Baber, William
Rogers, Rose Marie
Spainhower, DaleBerube, Roger
Rollo, DeannaGrassie, Anne
Schmidt, PeterKaen, Naida
Smith, Marjorie

SULLIVAN

Cloutier, John
Schmidt, AndrewGottling, Suzanne
Sweeney, Cynthia

Lefebvre, Benjamin

O'Hearne, Andrew

NAYS - 250 BELKNAP

Burchell, Richard
Greemore, Robert
Tilton, Franklin

Comtois, Guy
Gulick, Ruth
Vadney, Herbert

Cormier, Jane
Holmes, Stephen

Fink, Charles
Sylvia, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Butler, Edward
Morrow, Harry
White, Syndi

Chandler, Gene
Nelson, Bill
Wright, Donald

Cordelli, Glenn
Schmidt, Stephen

CHESHIRE

Berch, Paul
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Ley, Douglas
Tatro, Bruce

Hunt, John
Mann, John
Weed, Charles

Johnson, Jane
Parkhurst, Henry

COOS

Coulombe, Gary
Richardson, Herbert

Hammon, Marcia
Rideout, Leon

Moynihan, Wayne

Rappaport, Laurence

GRAFTON

Almy, Susan
Friedrich, Carol
Pastor, Beatriz

Bailey, Brad
Gionet, Edmond
Piper, Wendy

Brown, Rebecca
Higgins, Patricia
Shackett, Jeffrey

Doolan, Ralph
Lovett, Sid
Sykes, George

HILLSBOROUGH

Backus, Robert
Boehm, Ralph
Byron, Frank
Coffey, James
DiSilvestro, Linda
Gale, Sylvia
Goley, Jeffrey
Harriott-Gathright, Linda
Hinch, Richard
Katsiantonis, Thomas
LeVasseur, Richard
Marston, Dick
Murotake, David
Notter, Jeanine
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Shaw, Barbara
Spratt, Stephen
Takesian, Charlene
Willeneuve, Moe
Winters, Joel

Barry, Richard
Booras, Efstathia
Carroll, Douglas
Culbert, Patrick
Flanagan, Jack
Garcia, Michael
Gorman, Mary
Heath, Mary
Hopper, Gary
Kurk, Neal
Long, Patrick
Martel, Andre
Murphy, Kelleigh
O'Brien, William
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Smith, Timothy
Stroud, Kathleen
Ulery, Jordan
Warden, Mark

Beaulieu, Jane
Brown, Pamela
Cebrowski, John
Daniels, Gary
Gage, Ruth
Gargas, Carolyn
Graham, John
Heden, Ruth
Jack, Martin
Lambert, George
Mangipudi, Latha
McCarthy, Michael
Murphy, Keith
O'Flaherty, Tim
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Soucy, Timothy
Sullivan, Peter
Vail, Suzanne
Willette, Robert

Belanger, James
Burt, John
Christiansen, Lars
Danielson, David
Gagne, Larry
Gidge, Kenneth
Hansen, Peter
Hikel, John
Jeudy, Jean
LeBrun, Donald
Manley, Jonathan
Meaney, Richard
Nelson, Mary
O'Neil, William
Parison, James
Rokas, Ted
Schmidt, Janice
Souza, Kathleen
Sweeney, Shawn
Vaillancourt, Steve
Williams, Kermit

MERRIMACK

Bartlett, Christy
Davis, Frank
Hunt, Jane
Lockwood, Priscilla
Schamberg, Thomas
Watrous, Rick

Burns, Scott
Ebel, Karen
Karrick, David
McGuire, Carol
Smith, Todd

Carey, Lorrie
Henle, Paul
Kidder, David
McGuire, Dan
Turcotte, Alan

Carson, Clyde
Hess, David
Kotowski, Frank
Myler, Mel
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Cali-Pitts, Jacqueline
Danaïs, Romeo
Dumaine, Dudley
Ferrante, Beverly
Garcia, Marilinda
Heffron, Frank
Itse, Daniel
Major, Norman
Moody, Marcia
Peckham, Michele

Allen, Mary
Bishop, Franklin
Chirichiello, Brian
DeSimone, Debra
Elliott, Robert
Fesh, Robert
Gordon, Richard
Hodgdon, Bruce
Kappler, Lawrence
Mann, Maureen
Nigrello, Robert
Sanders, Elisabeth

Baldasaro, Alfred
Borden, David
Comerford, Timothy
Devine, James
Emerick, J. Tracy
Flockhart, Eileen
Griffin, Mary
Hoelzel, Kathleen
Khan, Aboul
McKinney, Betsy
O'Connor, John
Sapareto, Frank

Bick, Patrick
Briden, Steven
Cushing, Robert
Duarte, Joe
Emerson-Brown, Rebecca
Garcia, Bianca
Harris, Jeffrey
Introne, Robert
Lundgren, David
McMahon, Charles
Oligny, Jeffrey
Schlachman, Donna

Schroadter, Adam
Tasker, Kyle
Waterhouse, Kevin
Whittemore, Lisa

Sedensky, John
Till, Mary
Wazlaw, Brian

Sherman, Thomas
Tucker, Pamela
Webb, James

Tamburello, Daniel
Ward, Gerald
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Burke, Rachel
Grossman, Kenneth
Jones, Laura
Miller, David
Pitre, Joseph
Wall, Janet

Bickford, David
Gardner, Janice
Hooper, Dorothea
Malloy, Dennis
Mullen, John
Spang, Judith
Ward, Kenneth

Bixby, Peter
Gray, James
Horrigan, Timothy
Menear, H. Robert
Parsons, Robbie
Stevens, Audrey

Burdwood, Greg
Groen, Warren
Hubbard, Pamela
Merrill, Amanda
Perry, Robert
Verschueren, James

SULLIVAN

Gagnon, Raymond
Rollins, Skip

Grenier, James
Smith, Steven

Irwin, Virginia
Tanner, Linda

Osgood, Joe

and the majority committee report failed.

Rep. Kurk moved the minority committee report of Inexpedient to Legislate.

Rep. Pantelakos requested a roll call; sufficiently seconded.

MOTION TO INDEFINITELY POSTPONE

Rep. Winters moved that **HB 675-FN**, authorizing and regulating the use of license plate scanning devices, be indefinitely postponed.

Rep. Winters spoke in favor.

On a division vote, 214 members having voted in the affirmative and 135 in the negative, the motion was adopted.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART I (CONT'D)

HB 326-FN, relative to licensure of polysomnographers by the board of respiratory care practitioners. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary S. Nelson for the Majority of Executive Departments and Administration. Currently, polysomnographers (sleep therapists) are not licensed or registered by the state of New Hampshire. HB 326, as introduced, would have required them to be licensed by the board of respiratory care practice. The proposed amendment would have established a governing board of polysomnographic technologists within the Allied Health Professionals. Although HB 326 was retained in committee and worked on over the break, some questions still remained. It was thought that further study would be necessary to answer remaining questions. Vote 9-7.

Rep. Peter B. Schmidt for the Minority of Executive Departments and Administration. This Interim Study report is counterproductive. HB 326-FN needs no further study. The bill is necessary because sleep technicians, also called polysomnographers, are not currently registered by the state of New Hampshire. The bill, as introduced, would have had polysomnographers regulated by the board of respiratory care practitioners. Further study revealed that, of the many different sleep disorders, only one, sleep apnea, is respiratory in nature. Because of this, the proposed amendment creates a new board to regulate the polysomnographers. The amendment has been carefully written and vetted in collaboration with numerous practitioners of sleep medicine, both medical doctors and sleep technicians, and is overwhelmingly supported by the NH sleep medicine community. In addition, it is endorsed by the board of respiratory care practitioners, under whose auspices the original bill was brought forward. Far from promoting and protecting the legitimate interests of sleep medicine practitioners, the hospitals that employ most of them and, most importantly, those citizens of NH who suffer from sleep disorders, Interim Study would delay, and potentially derail, the major improvement in governance and safety that HB 326-FN represents. HB 326-FN is ready for passage and implementation. It is the Interim Study report that should be put to sleep.

The question being adoption of the majority committee report of Refer for Interim Study.

Reps. Devine and Peter Schmidt spoke against.

Rep. Shawn Sweeney spoke in favor.

Rep. Beaudoin requested a roll call; not sufficiently seconded.

On a division vote, 197 members having voted in the affirmative and 142 in the negative, the majority committee report was adopted.

HB 350, prohibiting discrimination against the unemployed. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for the Majority of Labor, Industrial and Rehabilitative Services. The majority believes this bill acknowledges a real problem facing the unemployed who are actively seeking employment. There are many examples of ads soliciting employees that say unemployed need not apply. HB 350 enables penalties to discourage discrimination on the basis of unemployment status in ads soliciting workers and in acting upon

the applications. The bill also reiterates the rights of employers to make employment decisions on the basis of licensure, education, experience, or credentials that are related to the job advertised, or to an advertisement that states only current employees of the company are eligible for the job. Vote 11-8.

Rep. Jack B. Flanagan for the Minority of Labor, Industrial and Rehabilitative Services. This bill, although well intended, is trying to legislate poor decision making. This body cannot and should not try. What this bill tries to do is impossible to prove. It also will create additional litigation in an already crowded judicial system. If someone feels they are discriminated due to their employment status it is easily defended but an additional expense for employers.

Majority Amendment (2349h)

Amend the bill by replacing section 1 with the following:

1 New Sections; Protective Legislation; Unemployment Status. Amend RSA 275 by inserting after section 14 the following new sections:

275:14-a Unemployment Status.

I. In this section, "unemployment status" means being unemployed, having actively looked for employment during the most recent 4 week period, and currently being available for employment.

II. No employer or employment agency shall discriminate against any individual because of unemployment status in soliciting, receiving, classifying, disposing, or otherwise acting upon applications for its services or in referring an applicant to an employer.

III. Nothing in this section shall be construed as prohibiting an employer or employer's agent from publishing an advertisement for any job vacancy in the state that contains any provision setting forth any other qualifications for a job permitted by law including holding a current and valid professional or occupational license, certificate, registration, permit, or other credential, or a minimum level of education, training, or appropriate experience. Nothing in this section shall be construed as prohibiting an employer or employer's agent from stating that only applicants who are currently employed by such employer shall be considered.

275:14-b Penalty. Any employer or employment agency that violates RSA 275:14-a shall be subject to a fine not to exceed \$5,000 for each violation as determined by the commissioner.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Emerick spoke against and yielded to questions.

Rep. Weed spoke in favor and yielded to questions.

Rep. Jones requested a roll call; sufficiently seconded.

MOTION TO LAY ON THE TABLE

Rep. Burchell moved that **HB 350**, prohibiting discrimination against the unemployed, be laid on the table. On a division vote, 158 members having voted in the affirmative and 190 in the negative, the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 179 - NAYS 170

YEAS - 179

BELKNAP

DiMartino, Lisa

Gulick, Ruth

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard
Eaton, Daniel
Phillips, Larry
Tatro, Bruce

Berch, Paul
Lerandeau, Alfred
Robertson, Timothy
Weber, Lucy

Butynski, William
Ley, Douglas
Sad, Tara
Weed, Charles

Chase, Cynthia
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

COOS

Coulombe, Gary
Thomas, Yvonne

Hammon, Marcia

Moynihan, Wayne

Theberge, Robert

GRAFTON

Almy, Susan
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Townsend, Charles

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
White, Andrew

Brown, Rebecca
Harding, Laurie
Massimilla, Linda
Smith, Suzanne

Cooney, Mary
Higgins, Patricia
Mulholland, Catherine
Sykes, George

HILLSBOROUGH

Backus, Robert
Carroll, Douglas
Dobson, Jeremy
Gidge, Kenneth
Hackel, Paul
Heath, Mary
Kopka, Angeline
MacKay, Mariellen
Nelson, Mary
Rhodes, Brian
Shattuck, Gilman
Spratt, Stephen
Williams, Kermit

Booras, Efstathia
Chandley, Shannon
Eaton, Richard
Goley, Jeffrey
Hammond, Jill
Heden, Ruth
Leishman, Peter
Mangipudi, Latha
O'Brien, Michael
Rokas, Ted
Shaw, Barbara
Sullivan, Peter
Woodbury, David

Brown, Pamela
Cote, David
Gage, Ruth
Gorman, Mary
Hansberry, Daniel
Jack, Martin
Levesque, Melanie
Manley, Jonathan
O'Neil, William
Rosenwald, Cindy
Smith, Timothy
Vail, Suzanne

Campbell, David
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Harriott-Gathright, Linda
Knowles, Mary Ann
Long, Patrick
McNamara, Richard
Porter, Marjorie
Schmidt, Janice
Soucy, Timothy
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
Frazer, June
Hunt, Jane
Moffett, Howard
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

Bartlett, Christy
Carson, Clyde
French, Barbara
Karrick, David
Myler, Mel
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Bouchard, Candace
Davis, Frank
Gile, Mary
Kelly, Sally
Patten, Dick
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Burns, Scott
Frambach, Mary
Hirsch, Geoffrey
MacKay, James
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

ROCKINGHAM

Borden, David
Copeland, Timothy
Flockhart, Eileen
Mann, Maureen
Scarlott, Joe
Ward, Gerald

Briden, Steven
Cushing, Robert
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Wazlaw, Brian

Cahill, Michael
Elliott, Robert
Khan, Aboul
Muns, Chris
Sherman, Thomas
Whittemore, Lisa

Cali-Pitts, Jacqueline
Emerson-Brown, Rebecca
Lovejoy, Patricia
Pantelakos, Laura
Till, Mary

STRAFFORD

Baber, William
Grassie, Anne
Hubbard, Pamela
Miller, David
Schmidt, Peter
Wall, Janet

Berube, Roger
Grossman, Kenneth
Kaen, Naida
Perry, Robert
Smith, Marjorie
Ward, Kenneth

Bixby, Peter
Hooper, Dorothea
Meneer, H. Robert
Rogers, Rose Marie
Spainhower, Dale

Burke, Rachel
Horrigan, Timothy
Merrill, Amanda
Rollo, Deanna
Spang, Judith

SULLIVAN

Cloutier, John
O'Hearne, Andrew

Gottling, Suzanne
Schmidt, Andrew

Irwin, Virginia
Sweeney, Cynthia

Lefebvre, Benjamin

NAYS - 170**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Holmes, Stephen

CARROLL

Ahlgren, Christopher
Lavender, Tom
Schmidt, Stephen

Chandler, Gene
McConkey, Mark
Umberger, Karen

Cordelli, Glenn
Morrow, Harry
Wright, Donald

Crawford, Karel
Nelson, Bill

CHESHIRE

Hunt, John

Johnson, Jane

Mann, John

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Bailey, Brad
Shackett, Jeffrey

Doolan, Ralph

Gionet, Edmond

Piper, Wendy

HILLSBOROUGH

Barry, Richard
Burt, John
Coffey, James
Flanagan, Jack

Beaulieu, Jane
Byron, Frank
Culbert, Patrick
Gagne, Larry

Belanger, James
Cebrowski, John
Daniels, Gary
Garcia, Michael

Boehm, Ralph
Christiansen, Lars
Danielson, David
Gargasz, Carolyn

Graham, John
Hinch, Richard
Katsiantonis, Thomas
LeVasseur, Richard
Meaney, Richard
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Sanborn, Laurie
Sullivan, Daniel
Vaillancourt, Steve
Winters, Joel

Haefner, Robert
Hopper, Gary
Kurk, Neal
Marston, Dick
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sandblade, Emily
Sweeney, Shawn
Villeneuve, Moe

Hansen, Peter
Jasper, Shawn
Lambert, George
Martel, Andre
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Ramsey, Peter
Souza, Kathleen
Takesian, Charlene
Warden, Mark

Hikel, John
Jeudy, Jean
LeBrun, Donald
McCarthy, Michael
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rowe, Robert
Stroud, Kathleen
Ulery, Jordan
Willette, Robert

MERRIMACK

Andrews, Christopher
Hoell, J.R.
McGuire, Carol

Ebel, Karen
Kidder, David
McGuire, Dan

Henle, Paul
Kotowski, Frank
Smith, Todd

Hess, David
Lockwood, Priscilla
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danais, Romeo
Dumaine, Dudley
Garcia, Bianca
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Oligny, Jeffrey
Sapareto, Frank
Tamburello, Daniel
Weyler, Kenneth

Allen, Mary
Bishop, Franklin
DeSimone, Debra
Emerick, J. Tracy
Garcia, Marilinda
Hodgdon, Bruce
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Schroadter, Adam
Tucker, Pamela

Baldasaro, Alfred
Chirichiello, Brian
Devine, James
Ferrante, Beverly
Gordon, Richard
Hoelzel, Kathleen
Lundgren, David
Nigrello, Robert
Rice, Frederick
Sedensky, John
Waterhouse, Kevin

Bick, Patrick
Comerford, Timothy
Duarte, Joe
Fesh, Robert
Griffin, Mary
Introne, Robert
Major, Norman
O'Connor, John
Sanders, Elisabeth
St.James, Kevin
Webb, James

STRAFFORD

Beaudoin, Steven
Groen, Warren
Mullen, John

Bickford, David
Jones, Laura
Parsons, Robbie

Gardner, Janice
Ketel, Stephen
Pitre, Joseph

Gray, James
Malloy, Dennis
Verschueren, James

SULLIVAN

Gagnon, Raymond
Smith, Steven

Grenier, James
Tanner, Linda

Osgood, Joe

Rollins, Skip

and the majority committee report was adopted and ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Daniel Eaton moved that the House reconsider its action whereby, on a roll call vote of 179-170, the House adopted the majority committee report of Ought to Pass with Amendment on **HB 350**, prohibiting discrimination against the unemployed.

On a division vote, 153 members having voted in the affirmative and 196 in the negative, the motion failed.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART I (CONT'D)

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne J. Smith for Resources, Recreation and Development. NH department of parks relies on admission fees and enterprise functions to maintain and support state parks and recreation areas including Franconia Notch State Park. SB 190-FN, as amended, will allow residents of NH who have attained the age of 65 to be admitted without charge to state recreation areas, including day use parks, historical sites, beaches and state-operated ski areas, without charge. However, under SB 190, free admission will not apply to "uphill devices," including ski lifts and trams or enterprise functions including the Flume Gorge. Further, members of the General Court, General Court staff, Governor and Council and Governor's staff will no longer receive free admission to state recreation areas, unless the purpose of such visit is state business. HB 190, as amended, also repeals the discount coupon program for state parks, but will not affect summer youth programs that bring school groups and campers to our state parks. Because many state employees receive discounted admissions to NH state parks and campgrounds through collective bargaining contracts, SB 190 also requires that effective July 1, 2015, the difference of regular admission minus discounts state employees receive shall be paid by the employee's employing state agency. Vote 16-2.

Amendment (2372h)

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

1 Fees for Park System. Amend RSA 218:5-c to read as follows:

218:5-c Admission Without Charge. Any person who is a resident of this state and who has attained the age of 65 shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches, and state-operated ski areas, without charge. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" ~~on Saturdays and Sundays~~ **and enterprise functions, as listed in RSA 216-A:3-g, II.** Provided further that other special charges at state owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas or state-owned ski areas operated by a lessee.

2 New Section; Admission to State Parks; General Court; General Court Staff; Governor and Council; Governor's Staff. Amend RSA 218 by inserting after section 5-c the following new section:

218:5-d Admission to State Parks for Members of the General Court, General Court Staff, Governor and Council, and Governor's Staff. Current members of the general court, general court staff, the governor and council, and the governor's staff shall not receive any discounts for admission to state recreation areas, including but not limited to, parks, historical sites, beaches, and state-operated ski areas unless the purpose of such visit is state business. This section shall not be construed to prohibit any person who is a veteran from receiving discounts for admission to such areas in accordance with RSA 216-A:3-g or any eligible person from receiving a discount under RSA 218:5-c.

3 New Paragraph; State Employees; Discount for Admission to State Parks and Historic Sites. Amend RSA 216-A:3-g by inserting after paragraph VII the following new paragraph:

VIII. The difference of regular admission minus any discounts state employees receive for admission to state parks and historic sites which are part of a collective bargaining agreement shall be paid by the employee's employing state agency. Such funds shall be deposited into the fund where the fee would have been deposited had it been collected.

4 Repeal. RSA 218:5-b, relative to discount coupons for state parks, is repealed.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2015.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires persons over the age of 65 who are admitted to state parks and historical sites without charge to pay the usual cost of for the use of any uphill devices and for enterprise functions. This bill eliminates the discount coupon fee books issued by the director of the division of parks and recreation. The bill also prohibits any discounts in such fees for members of the general court, general court staff, governor and council, and governor's staff.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Reps. Bailey and Rebecca Brown spoke against.

LAID ON THE TABLE

Rep. Daniel Eaton moved that **SB 190-FN**, relative to admission fees for certain persons at state parks and historical sites, be laid on the table.

On a division vote, 190 members having voted in the affirmative and 150 in the negative, the motion was adopted.

Rep. Hess declared a conflict of interest and did not participate.

The House recessed at 12:30 p.m.

RECESS

The House reconvened at 1:35 p.m.

(Speaker Norelli in the Chair)

REGULAR CALENDAR – 2013 RETAINED BILLS – PART II

HB 226, establishing a committee to study the promotion of New Hampshire wines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce and Consumer Affairs. The amendment replaces the study committee and using some of the language and intent of HB 175 to add to the current law (RSA 176:12) expands the responsibility of the Liquor commission to not only sell but also "promote" domestic liquor and wines and report to the legislature annually on how it is supporting sales of NH's liquors and wines. The amendment also adds "notwithstanding RSA 176:3, I" because that law requires that the primary duties of the liquor commission shall be to optimize the profitability of the commission and there was some concern that this duty conflicts with the "promotion" of domestic liquor and wines because it might not always be profitable to do so. Vote 17-3.

Amendment (2291h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to promotion of New Hampshire liquor and wines.

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

1 Liquor Commission; New Hampshire Products. Amend RSA 176:12 to read as follows:

176:12 New Hampshire Products. ***Notwithstanding RSA 176:3, I***, the commission, wherever feasible, shall ***promote***, purchase, and list for sale in all state stores the domestic liquor and wines manufactured or bottled in this state by a manufacturer. ***The commission shall annually report its activities under this section to all house and senate standing committees with jurisdiction over commerce and agriculture.***

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

AMENDED ANALYSIS

This bill requires the liquor commission to promote New Hampshire liquor and wines. This bill also establishes an annual reporting requirement for the commission on its activities relating to New Hampshire products.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 331-FN, relative to wine manufacturers. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Commerce and Consumer Affairs. This bill attempts to exempt NH wineries from New Hampshire's 3-tier system so that they may deliver wine directly to restaurants and stores without going through the Liquor Commission and only pay 5% to the Commission. The wine distributors made it clear that passage of this legislation would have brought on a lawsuit by them for the same right and frankly most of the wineries were not really interested in the bill. Vote 17-3.

Committee report adopted.

HB 562, relative to the interest rate on title loans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donna L. Schlachman for Commerce and Consumer Affairs. The car title loan product is one that has come before the legislature many times. It is a different product than a payday loan. The consumer's car is collateral for the loan and can be repossessed if the consumer does not pay the loan back. Car title lenders operate in 21 states; many of those states have interest rate caps. New Hampshire currently caps the interest rate on car title loans at 25 percent per month. If the consumer renews the loan for the maximum ten renewals, and pays 10 percent of principal each month, as required under New Hampshire law, he or she will pay interest equal to 138 percent of the original principal. Without the 10% principal pay down each month, a 25 percent per month interest translates into an annual percentage rate of 300%. According to one title loan company, most loans are paid off within six months. The bill sought to prohibit title loan companies from charging interest above 36 percent per year, which was the cap until the last legislature removed it. Car title loan company representatives testified that if the 36 percent cap returns they will have to close their doors. The committee learned that title loans are sought by individuals who do not qualify for short-term loans from conventional sources. Such loans seem to be used when people fall behind in their bills or incur unexpected expenses. The committee heard anecdotally that some small contractors take out title loans to purchase supplies for which the contractor will later be reimbursed. The committee also heard from individuals representing community support agencies and consumer advocacy organizations that assist people who cannot keep up with their payments. Their clients turn to them and to public assistance for help with rent, utilities and food because of car title loan debt. There were 9,305 title loans made in FY 2012 with a total dollar amount of \$10,619,469, as reported by the banking department. Only a few credit unions, such as St. Mary's Bank's short-term emergency assistance, currently have loan products for low-income citizens as an alternative to title loans. Three changes to the requirements of the current law were considered: lowering the interest rate per month; disclosing to the borrower the full amount of interest and principal paid each month for the life of the loan; and including in the required annual report to the banking department the number of loans taken out for varying lengths of time and the number of repossessions. The committee was evenly split on lowering the current 25 percent per month interest rate and agreed on the other changes. The amendment replaces the entire bill and, as noted, includes the disclosure and annual reporting requirements. Vote 17-3.

Amendment (2311h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to title loans.

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

1 Reporting and Recordkeeping Requirements. Amend RSA 399-A:6, I(a) to read as follows:

(a) Each licensee shall file, under oath, an annual report with the commissioner on or before March 31 each year concerning its business and operations for the preceding calendar year or license period ending December 31 in the form prescribed by the commissioner. ***A licensee's annual report shall include the number of loans renewed 2 or fewer times, the number of loans renewed between 3 and 5 times, the number of loans renewed between 6 and 8 times, the number of loans renewed more than 8 times, and the number of loans for which the collateral was sold after the borrower's default.***

2 New Paragraph; Provisions Applicable to Title Loan Lenders. Amend RSA 399-A:14 by inserting after paragraph VI the following new paragraph:

VII. Make a title loan without providing the borrower named in the title loan agreement a chart projecting the borrower's next 10 monthly payments, based on the assumption that the borrower pays all interest due each month plus 10 percent of the original principal each month. The chart shall include, for each payment, projections for the following: the amount of interest paid, the amount of principal paid, the total amount of interest paid to date, the total amount of principal paid to date, and the amount of principal outstanding. The chart shall be appended to the borrower's copy of the loan agreement.

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

AMENDED ANALYSIS

This bill makes changes to the interest calculation procedures used by title loan lenders.
Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Kermit Williams offered floor amendment (0026h).

Floor Amendment (0026h)

Amend the bill by replacing all after section 2 with the following:

3 Interest Rate. Amend RSA 399-A:14, VI to read as follows:

VI. Charge interest at higher than 25 percent per month **during the borrower's first month of indebtedness on the loan or higher than 3-percent per month for any subsequent period of indebtedness on the same loan**, however actual costs incurred by the lender pursuant to RSA 399-A:11, XI may be passed through to the borrower.

4 Title Loan Renewals. Amend RSA 399-A:15 to read as follows:

399-A:15 Title Loan Renewals. A title loan shall be for an original term of no more than one month. A title loan lender may allow such loan to be renewed no more than 10 additional periods each equal the original term, provided however, that at each such renewal the borrower must pay at least 10 percent of the loan's original principal balance, in addition to any finance charge owed, to reduce the principal balance outstanding. If the borrower cannot pay this principal reduction at any renewal, the title loan lender may either: (i) declare the borrower in default, or (ii) allow the loan to be renewed, provided that the lender shall reduce the current principal amount of the loan by 10 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than a reduction in principal **or a reduction in the rate of interest to comply with RSA 399-A:14, VI**. No accrued interest shall be capitalized or added to the principal of the loan at the time of any renewal.

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

AMENDED ANALYSIS

This bill makes changes to the interest calculation procedures used by title loan lenders.
Reps. Kermit Williams and James Webb spoke in favor and yielded to questions.

Rep. Kurk spoke in favor.

Rep. Hunt spoke against and yielded to questions.

Reps. Gidge and Jones spoke against.

Rep. Jones requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 140

YEAS - 200

BELKNAP

DiMartino, Lisa

Holmes, Stephen

Raymond, Ian

CARROLL

Buco, Thomas

Butler, Edward

Ticehurst, Susan

White, Syndi

CHESHIRE

Ames, Richard

Berch, Paul

Butynski, William

Chase, Cynthia

Eaton, Daniel

Johnson, Jane

Lerandeau, Alfred

Ley, Douglas

Mann, John

Parkhurst, Henry

Phillips, Larry

Robertson, Timothy

Sad, Tara

Shepardson, Marjorie

Tatro, Bruce

Weber, Lucy

Weed, Charles

Young, Harry

COOS

Coulombe, Gary

Hatch, William

Moynihan, Wayne

GRAFTON

Almy, Susan
Cooney, Mary
Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

Bailey, Brad
Doolan, Ralph
Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Benn, Bernard
Ford, Susan
Lauer, Linda
Nordgren, Sharon
Sykes, George

Brown, Rebecca
Friedrich, Carol
Lovett, Sid
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Backus, Robert
Campbell, David
DiSilvestro, Linda
Gage, Ruth
Hackel, Paul
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Smith, Timothy
Takesian, Charlene
Williams, Kermit

Beaulieu, Jane
Chandley, Shannon
Dobson, Jeremy
Gale, Sylvia
Hammond, Jill
Heath, Mary
Judy, Jean
Leishman, Peter
Manley, Jonathan
Nelson, Mary
Rosenwald, Cindy
Souza, Kathleen
Vail, Suzanne
Woodbury, David

Booras, Efstathia
Cote, David
Eaton, Richard
Gargas, Carolyn
Hansberry, Daniel
Heden, Ruth
Knowles, Mary Ann
Levesque, Melanie
Marston, Dick
O'Brien, Michael
Schmidt, Janice
Spratt, Stephen
Vaillancourt, Steve

Brown, Pamela
Danielson, David
Flanagan, Jack
Grady, Brenda
Hansen, Peter
Hopper, Gary
Kopka, Angeline
Long, Patrick
McCarthy, Michael
O'Neil, William
Shattuck, Gilman
Sullivan, Peter
Walsh, Robert

MERRIMACK

Alicea, Caroletta
Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Borden, David
Cushing, Robert
Flockhart, Eileen
Lovejoy, Patricia
Pantelakos, Laura
Sherman, Thomas
Waterhouse, Kevin

Cahill, Michael
Devine, James
Harris, Jeffrey
Mann, Maureen
Sapareto, Frank
St.James, Kevin
Wazlaw, Brian

Cali-Pitts, Jacqueline
Dumaine, Dudley
Heffron, Frank
Moody, Marcia
Scarlotto, Joe
Till, Mary
Webb, James

Copeland, Timothy
Emerson-Brown, Rebecca
Introne, Robert
Muns, Chris
Schlachman, Donna
Ward, Gerald
Whittemore, Lisa

STRAFFORD

Baber, William
Gardner, Janice
Hooper, Dorothea
Menear, H. Robert
Rollo, Deanna
Spang, Judith

Berube, Roger
Grassie, Anne
Kaen, Naida
Pelletier, Marsha
Schmidt, Peter
Verschueren, James

Bixby, Peter
Groen, Warren
Ketel, Stephen
Perry, Robert
Smith, Marjorie
Wall, Janet

Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Rollins, Skip
Tanner, Linda

Irwin, Virginia
Schmidt, Andrew

NAYS - 140**BELKNAP**

Burchell, Richard
Fink, Charles
Sylvia, Michael

Comtois, Guy
Flanders, Donald
Tilton, Franklin

Cormier, Jane
Greemore, Robert
Vadney, Herbert

Fields, Dennis
Gulick, Ruth

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Chandler, Gene
Morrow, Harry
Wright, Donald

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Hunt, John

Roberts, Kris

COOS

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

Thomas, Yvonne

GRAFTON

Gionet, Edmond

Shackett, Jeffrey

HILLSBOROUGH

Barry, Richard
Byron, Frank
Coffey, James
Gidge, Kenneth
Hikel, John
Lambert, George
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rhodes, Brian
Sandblade, Emily
Sullivan, Daniel
Willette, Robert

Belanger, James
Carroll, Douglas
Daniels, Gary
Gorman, Mary
Hinch, Richard
LeBrun, Donald
Meaney, Richard
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Rokas, Ted
Shaw, Barbara
Ulery, Jordan
Winters, Joel

Boehm, Ralph
Cebrowski, John
Gagne, Larry
Graham, John
Jasper, Shawn
LeVasseur, Richard
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Timothy
Villeneuve, Moe

Burt, John
Christiansen, Lars
Garcia, Michael
Haefner, Robert
Katsiantonis, Thomas
Mangipudi, Latha
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Ramsey, Peter
Sanborn, Laurie
Stroud, Kathleen
Warden, Mark

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Karrick, David
Smith, Todd

Kotowski, Frank
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Danaïs, Romeo
Ferrante, Beverly
Gordon, Richard
Itse, Daniel
McKinney, Betsy
Oligny, Jeffrey
Schroadter, Adam
Weyler, Kenneth

Allen, Mary
Bishop, Franklin
Duarte, Joe
Fesh, Robert
Griffin, Mary
Kappler, Lawrence
McMahon, Charles
Peckham, Michele
Sedensky, John

Baldasaro, Alfred
Chirichiello, Brian
Elliott, Robert
Garcia, Bianca
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Lundgren, David
Nigrello, Robert
Rice, Frederick
Tamburello, Daniel

Bick, Patrick
Comerford, Timothy
Emerick, J. Tracy
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Hoelzel, Kathleen
Major, Norman
O'Connor, John
Sanders, Elisabeth
Tucker, Pamela

STRAFFORD

Beaudoin, Steven
Jones, Laura
Parsons, Robbie

Bickford, David
Merrill, Amanda
Pitre, Joseph

Gray, James
Miller, David

Horrigan, Timothy
Mullen, John

SULLIVAN

Grenier, James

Osgood, Joe

and floor amendment (0026h) was adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.
Rep. Jones requested a roll call; sufficiently seconded.

YEAS 212 - NAYS 129**YEAS - 212****BELKNAP**

DiMartino, Lisa

Gulick, Ruth

Holmes, Stephen

Raymond, Ian

CARROLL

Ahlgren, Christopher
Morrow, Harry

Buco, Thomas
Ticehurst, Susan

Butler, Edward
White, Syndi

Chandler, Gene

CHESHIRE

Ames, Richard
Eaton, Daniel
Mann, John
Sad, Tara
Weed, Charles

Berch, Paul
Johnson, Jane
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Butynski, William
Lerandeau, Alfred
Phillips, Larry
Tatro, Bruce

Chase, Cynthia
Ley, Douglas
Robertson, Timothy
Weber, Lucy

COOS

Coulombe, Gary

Hatch, William

Moynihan, Wayne

Thomas, Yvonne

GRAFTON

Almy, Susan
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Bailey, Brad
Doolan, Ralph

Benn, Bernard
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Lovett, Sid
Pastor, Beatriz
Townsend, Charles

Harding, Laurie
Massimilla, Linda
Piper, Wendy
White, Andrew

Higgins, Patricia
Mulholland, Catherine
Smith, Suzanne

Lauer, Linda
Nordgren, Sharon
Sykes, George

HILLSBOROUGH

Backus, Robert
Campbell, David
Cote, David
Eaton, Richard
Gale, Sylvia
Hackel, Paul
Heath, Mary
Jeudy, Jean
Leishman, Peter
MacKay, Mariellen
McNamara, Richard
Porter, Marjorie
Shattuck, Gilman
Spratt, Stephen
Walsh, Robert

Beaulieu, Jane
Chandley, Shannon
Danielson, David
Flanagan, Jack
Gargas, Carolyn
Hammond, Jill
Heden, Ruth
Knowles, Mary Ann
LeVasseur, Richard
Manley, Jonathan
Nelson, Mary
Ramsey, Peter
Shaw, Barbara
Sullivan, Peter
Williams, Kermit

Booras, Efstathia
Christiansen, Lars
DiSilvestro, Linda
Gage, Ruth
Goley, Jeffrey
Hansberry, Daniel
Hopper, Gary
Kopka, Angeline
Levesque, Melanie
Marston, Dick
O'Brien, Michael
Rosenwald, Cindy
Smith, Timothy
Takesian, Charlene
Woodbury, David

Brown, Pamela
Coffey, James
Dobson, Jeremy
Gagne, Larry
Grady, Brenda
Harriott-Gathright, Linda
Jack, Martin
Kurk, Neal
Long, Patrick
McCarthy, Michael
O'Neil, William
Schmidt, Janice
Souza, Kathleen
Vail, Suzanne

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Burns, Scott
Ebel, Karen
Gile, Mary
Kelly, Sally
Moffett, Howard
Richardson, Gary
Shurtleff, Stephen
Watrous, Rick

Andrews, Christopher
Carey, Lorrie
Frambach, Mary
Henle, Paul
Kidder, David
Myler, Mel
Rogers, Katherine
Turcotte, Alan
Webb, Leigh

Bartlett, Christy
Carson, Clyde
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Ratzki, Mario
Schamberg, Thomas
Wallner, Mary Jane

Bouchard, Candace
Davis, Frank
French, Barbara
Hunt, Jane
MacKay, James
Rice, Chip
Schuett, Dianne
Walz, Mary Beth

ROCKINGHAM

Borden, David
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Emerick, J. Tracy
Heffron, Frank
Moody, Marcia
Schlachman, Donna
Ward, Gerald
Whittemore, Lisa

Cahill, Michael
Devine, James
Emerson-Brown, Rebecca
Lovejoy, Patricia
Muns, Chris
Sherman, Thomas
Waterhouse, Kevin

Cali-Pitts, Jacqueline
Dumaine, Dudley
Ferrante, Beverly
Mann, Maureen
Pantelakos, Laura
St.James, Kevin
Wazlaw, Brian

Copeland, Timothy
Elliott, Robert
Flockhart, Eileen
McMahon, Charles
Scarlott, Joe
Till, Mary
Webb, James

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Baber, William
Gardner, Janice
Kaen, Naida
Merrill, Amanda
Rollo, Deanna
Spang, Judith

Berube, Roger
Grassie, Anne
Ketel, Stephen
Pelletier, Marsha
Schmidt, Peter
Verschuere, James

Bixby, Peter
Grossman, Kenneth
Malloy, Dennis
Perry, Robert
Smith, Marjorie
Wall, Janet

Burke, Rachel
Hooper, Dorothea
Menear, H. Robert
Rogers, Rose Marie
Spainhower, Dale
Ward, Kenneth

SULLIVAN

Cloutier, John
Lefebvre, Benjamin
Smith, Steven

Gagnon, Raymond
O'Hearne, Andrew
Sweeney, Cynthia

Gottling, Suzanne
Rollins, Skip
Tanner, Linda

Irwin, Virginia
Schmidt, Andrew

NAYS - 129

BELKNAP

Burchell, Richard
Fink, Charles
Tilton, Franklin

Comtois, Guy
Flanders, Donald
Vadney, Herbert

Cormier, Jane
Greemore, Robert

Fields, Dennis
Sylvia, Michael

CARROLL

Cordelli, Glenn
Schmidt, Stephen

Crawford, Karel
Umberger, Karen

McConkey, Mark
Wright, Donald

Nelson, Bill

CHESHIRE

COOS

Hunt, John

Roberts, Kris

Rideout, Leon

Rappaport, Laurence

Richardson, Herbert

GRAFTON

Shackett, Jeffrey

HILLSBOROUGH

Barry, Richard
Byron, Frank
Garcia, Michael
Haefner, Robert
Jasper, Shawn
Mangipudi, Latha
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Rhodes, Brian
Sandblade, Emily
Ulery, Jordan
Willette, Robert

Belanger, James
Carroll, Douglas
Gidge, Kenneth
Hansen, Peter
Katsiantonis, Thomas
Martel, Andre
Murphy, Keith
Ober, Lynne
Pellegrino, Tony
Rokas, Ted
Soucy, Timothy
Vaillancourt, Steve
Winters, Joel

Boehm, Ralph
Cebrowski, John
Gorman, Mary
Hikel, John
Lambert, George
Meaney, Richard
Notter, Jeanine
Ober, Russell
Peterson, Lenette
Rowe, Robert
Stroud, Kathleen
Villeneuve, Moe

Burt, John
Daniels, Gary
Graham, John
Hinch, Richard
LeBrun, Donald
Murotake, David
O'Brien, William
Palmer, Stephen
Pratt, Calvin
Sanborn, Laurie
Sullivan, Daniel
Warden, Mark

MERRIMACK

Hess, David
McGuire, Carol

Hoell, J.R.
McGuire, Dan

Karrick, David
Smith, Todd

Kotowski, Frank
Walsh, Thomas

ROCKINGHAM

Abrami, Patrick
Birdsell, Regina
Dana, Romeo
Garcia, Marilinda
Hodgdon, Bruce
Kappler, Lawrence
Nigrello, Robert
Rice, Frederick
Sedensky, John

Allen, Mary
Bishop, Franklin
Duarte, Joe
Gordon, Richard
Hoelzel, Kathleen
Lundgren, David
O'Connor, John
Sanders, Elisabeth
Tamburello, Daniel

Baldasaro, Alfred
Chirichiello, Brian
Fesh, Robert
Griffin, Mary
Introne, Robert
Major, Norman
Oigny, Jeffrey
Sapareto, Frank
Tucker, Pamela

Bick, Patrick
Comerford, Timothy
Garcia, Bianca
Harris, Jeffrey
Itse, Daniel
McKinney, Betsy
Peckham, Michele
Schroadter, Adam
Weyler, Kenneth

STRAFFORD

Beaudoin, Steven
Horrigan, Timothy
Parsons, Robbie

Bickford, David
Jones, Laura
Pitre, Joseph

Gray, James
Miller, David

Groen, Warren
Mullen, John

SULLIVAN

Grenier, James

Osgood, Joe

and the committee report was adopted and ordered to third reading.

Rep. Khan declared a conflict of interest and did not participate.

HB 585, relative to insurance parity for optometrists. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Chris Muns for the Majority of Commerce and Consumer Affairs. This bill requires that insurers not discriminate in the rate of fee for service reimbursement they offer to optometrists and ophthalmologists, for the same procedure that each is licensed by the state to provide, based solely on whether the provider providing the procedure is an optometrist or ophthalmologist. It also prevents insurers from requiring that an optometrist must participate in a separate vision plan owned, operated or administered by the insurer, as a condition for the optometrist to be a participating provider with the insurer or to participate in the insurer's preferred provider network. Optometrists are doctors of optometry and are licensed to diagnose and treat diseases of the eye and prescribe prescription drugs. Ophthalmologists are Doctors of Medicine who choose to specialize in medical and surgical eye problems. They are licensed to perform operations on eyes, which optometrists are not. During testimony the committee learned that there is a significant overlap in the number of procedures that optometrists and ophthalmologists are both licensed to perform in New Hampshire. The committee heard testimony that in some group practices with both optometrists and ophthalmologists on staff, the practice is reimbursed at a higher level for patients in a health plan who are referred to an ophthalmologist in that practice than they are for patients in the same health plan who are referred to optometrists in the same practice for identical procedures. To determine how widespread this issue might be the committee asked the department of insurance to complete a study of the payment differences in reimbursement to ophthalmologists and optometrists. The study revealed that 84% of the dollars that ophthalmologists receive comes from services that both they and optometrists are licensed to perform, yet in most cases ophthalmologists are reimbursed at significantly higher rates; exactly how much depends on the insurer and the product (e.g. HMO, PPO, Indemnity) offering. Nothing in this bill shall prevent any insurer from negotiating payment rates with any specific health care provider or group practice based upon factors otherwise provided by law (e.g. size or location of practice or quality of outcomes). Vote 11-9.

Rep. John B. Hunt for the Minority of Commerce and Consumer Affairs. The minority of the committee agrees that this new health insurance mandate interferes with commercial insurance reimbursement through government interference with the private contracting process. This is an unnecessary and unwelcome interference with the free market. The minority of the committee further agrees that this new health insurance mandate will not have a huge effect on premiums because most private health insurance plans do not cover much for eye care. Anthem's Matthew Thornton plan (the state's most popular) covers only routine exams once every two years and does not cover eyeglasses. The minority of the committee is also very concerned about the implication of this legislation if the other dozen or more licensed non-physicians seek parity when it comes to reimbursement for the same CPT (Current Procedural Terminology) codes as another practitioner or physician. The effect of HB 585 is to send a message and say to the ophthalmologists (who are physicians) that we do not value their knowledge when it comes to more routine examinations. But more importantly, this bill undervalues the importance of education and experience with the consequence being that a nurse midwife should be reimbursed the same as an obstetrician; a licensed nurse assistant, the same as a registered nurse or a nurse practitioner if they are all using the same CPT code. In other aspects of society, education and training is reflected in reimbursement rates: bachelor vs. masters vs. PhD teacher and paralegal vs. associate vs. partner in a law firm. Further, reimbursement differences already exist within the physician community: commercial insurers start with a set fee schedule for many CPT codes, but reimburse some physicians at a higher level, based on private contract negotiation. And, HB 585 would prohibit commercial insurers from adjusting rates for a selected provider based on quality measures, as is done by Medicare. The intended use of the CPT code is to describe the service being rendered by the clinician within the scope of their license. CPT was not designed to define services at the license or training level; therefore, to suggest a CPT code for one provider (optometrist) means the same thing as the same CPT code being used by another (ophthalmologist) is fundamentally flawed because CPT does not contemplate education, training, nor scope of license. The AMA website under CPT states: "A 'physician or other qualified healthcare professional' is an individual who is qualified by education, training, licensure/regulation (when applicable), and facility privileging (when applicable) who performs a professional service within his/her scope of practice and independently reports that professional service." The amendment to HB 585 states that insurance companies can still negotiate rates, and the minority believes that the only way to implement this is to set one reimbursement rate statewide, and one group will end up being paid more and one will end up being paid less than under the current reimbursement practice. The minority strongly urges you to send this bill to study since, in most of the states that have a similar provision that provision applies to Medicaid and not to private commercial insurance. This bill heads New Hampshire down a slippery slope and needs further study.

Majority Amendment (2289h)

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

1 New Section; Payment for Optometric Services; Individual. Amend RSA 415 by inserting after section 6-r the following new section:

415:6-s Payment for Coverage of Services Within the Scope of Practice of Optometrists.

I. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance or vision insurance providing benefits for medical or hospital expenses for eye care that is within the scope of the practice of optometry in this state shall not discriminate as to the rate of fee for service reimbursement for the same procedure, as described by the code listed in the most current edition of the American Medical Association's Current Procedural Terminology code set, whether provided by an optometrist or an ophthalmologist licensed in this state. Nothing in this section shall prevent such insurer from negotiating payment rates with any specific health care provider or group practices based upon factors otherwise allowed by law. Such benefits shall not be subject to any greater deductible, co-payment, or coinsurance than any other similar benefits provided under the policy or certificate. The insurance department shall adopt rules under RSA 541-A to monitor potential discriminatory reimbursements. Notwithstanding any provision of law or rule to the contrary, the provisions of this section also shall apply to the medical assistance program pursuant to RSA 161 and RSA 167.

II. No insurer, person or entity described in paragraph I shall:

(a) Require that an optometrist licensed in this state participate in a separate vision plan, whether owned, operated, or administered by the insurer, a subsidiary, affiliate, third-party administrator, or other third party as a condition for the optometrist to be a participating provider with such insurer or to participate in such insurer's participating or preferred provider panel; or

(b) Notwithstanding any provision of law or rule to the contrary, discriminate between optometrists and ophthalmologists with respect to participation as preferred providers, coverage of benefits, or rate of reimbursement for eye care within the scope of the practice of optometry in this state under any preferred provider arrangement established under RSA 420-C or otherwise.

2 New Section; Payment for Optometric Services; Group. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Payment for Coverage of Services Within the Scope of Practice of Optometrists.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance or vision insurance providing benefits for medical or hospital expenses for eye care that is within the scope of the practice of optometry in this state shall not discriminate as to the rate of fee for service reimbursement for the same procedure, as described by the code listed in the most current edition of the American Medical Association's Current Procedural Terminology code set, whether provided by an optometrist or an ophthalmologist licensed in this state. Nothing in this section shall prevent such insurer from negotiating payment rates with any specific health care provider or group practices based upon factors otherwise allowed by law. Such benefits shall not be subject to any greater deductible, co-payment, or coinsurance than any other similar benefits provided under the policy or certificate. The insurance department shall adopt rules under RSA 541-A to monitor potential discriminatory reimbursements. Notwithstanding any provision of law or rule to the contrary, the provisions of this section also shall apply to the medical assistance program pursuant to RSA 161 and RSA 167.

II. No insurer, person or entity described in paragraph I shall:

(a) Require that an optometrist licensed in this state participate in a separate vision plan, whether owned, operated, or administered by the insurer, a subsidiary, affiliate, third-party administrator, or other third party as a condition for the optometrist to be a participating provider with such insurer or to participate in such insurer's participating or preferred provider panel; or

(b) Notwithstanding any provision of law or rule to the contrary, discriminate between optometrists and ophthalmologists with respect to participation as preferred providers, coverage of benefits, or rate of reimbursement for eye care within the scope of the practice of optometry in this state under any preferred provider arrangement established under RSA 420-C or otherwise.

3 Health Service Corporations; Payment for Optometric Services. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, **RSA 415:6-s**, RSA 415:18, V, RSA 415:18, VII(g), RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, **RSA 415:18-x**, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

4 Health Maintenance Organizations; Payment for Optometric Services. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, **RSA 415:6-s**, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, **RSA 415:18-x**, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

5 Effective Date. This act shall take effect January 1, 2015.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. Hunt spoke against.

Rep. Sherman spoke against and yielded to questions.

Rep. Schlachman spoke in favor and yielded to questions.

Rep. Jones requested a roll call; sufficiently seconded.

LAI'D ON THE TABLE

Rep. LeBrun moved that **HB 585**, relative to insurance parity for optometrists, be laid on the table.

On a division vote, 198 members having voted in the affirmative and 143 in the negative, the motion was adopted.

REGULAR CALENDAR - 2013 RETAINED BILLS - PART II (CONT'D)

SB 180, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. **WITHOUT RECOMMENDATION.**

Statement in support of Ought to Pass: Rep. Kermit Williams.

This bill creates a fund to restore losses to victims of the Financial Resources Mortgage (FRM) fraud and Ponzi scheme. The committee spent many hours reviewing the historical information and reports related to FRM, and listened to testimony from victims and current and former state officials. Overwhelming evidence was presented that, while FRM was a fraudulent enterprise, much of the victims' losses were due to the failure by state officials to exercise their statutory authority, misinformation provided to the lenders by state agencies, and some amount of malfeasance. The committee split, not on whether these acts occurred, but on whether the state should take financial responsibility for its failure to shut FRM down and for the state's decision to place FRM in Chapter 7 involuntary bankruptcy - the latter which led to victims losing properties on which they held legal mortgages. An amendment will be offered to modify the original bill which provides full restitution, to cap the total amount to be paid at \$5 million, disbursed in proportion to each victim's documented loss. The amendment requires the state to take some portion of responsibility, but not all.

Statement in support of Inexpedient to Legislate: Rep. John Hunt.

The premise of this legislation is that the state of New Hampshire is not only at fault for the FRM investors losing all of their investment but that the state should pay restitution. Not only would this be a precedent, it could create a Pandora's Box of future legislation every time someone perceives incompetence of State employees. To begin with, SB 180 should be inexpedient because the investors failed to do their proper research prior to their investment and further failed to understand that the state banking department's jurisdiction was limited to first or second mortgage loans on property to be used primarily for personal, family, or household use, not commercial loans. The fact that no state employee has been charged, let alone convicted of any crime is further proof that there is no evidence that the state has any responsibility for the investors' bad investment. Frankly, a lot of people lost money from the recent real estate crash but the state is not providing restitution to them. Why does the state of New Hampshire owe FRM investors money? Is it simply because they had brought their concerns to several state agencies prior to the collapse? Since neither the banking department nor the bureau of securities was willing to exercise jurisdiction, the attorney general's office used the only law reasonably available to them, which was to put FRM into bankruptcy. Ultimately, the investors lost money through poor investment and through the actions of the Federal Bankruptcy Court and not because of what any New Hampshire department did or did not do. The funding for this restitution would come from any undesignated funds that the attorney general's office may acquire in the future from other suits against financial institutions. Given that the AG's consumer protection bureau is already under-funded, taking additional money away from the bureau will further limit its ability to pursue cases like FRM. This inappropriate precedent seems counter productive and may, in the future, discourage due diligence on the part of investors.

Rep. Schlachman moved Ought to Pass.

LAID ON THE TABLE

Rep. Kermit Williams moved that **SB 180**, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund, be laid on the table.

On a division vote, 324 members having voted in the affirmative and 10 in the negative, the motion was adopted.

Rep. Gargasz declared a conflict of interest and did not participate.

REGULAR CALENDAR – 2013 RETAINED BILLS – PART II (CONT'D)**HB 492-FN-L**, relative to the legalization and regulation of marijuana. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Laura C. Pantelakos for the Majority of Criminal Justice and Public Safety. The majority of the committee believes that this bill represents bad public policy because it is harmful to public health and public safety and will prove difficult to properly enforce and regulate; therefore, the majority agrees with the various state agencies and private entities who testified against the bill. The majority initially notes that the United States Department of Justice continues to recognize that marijuana remains an illegal drug under the Controlled Substances Act and federal prosecutors will continue to aggressively enforce the law. If New Hampshire were to legalize and regulate marijuana, it would create an unclear picture of state v. federal law enforcement, particularly since the DOJ has stated that it will rely on states that legalize to strictly enforce and regulate marijuana. The majority believes that this is likely to result in a cost shift to the state. To this end, the department of safety has stated that it would be "virtually impossible" for the agencies charged with implementing legalization and regulation to get the necessary mechanisms in place and conduct the period of public education that should accompany such "radical change." Additionally, the department of revenue administration believes that there will be a significant cost to study, develop and implement a licensing, certification process, enforcement mechanisms, new tax implementations and collections, auditing, appeals and hearings procedures. Finally, the Governor's Commission of Alcohol and Drug Abuse Prevention, Intervention and Treatment finds that there is "no evidence" that legalized marijuana would lower drug trafficking or associated crimes because marijuana represents only a small portion of the illegal drug trade. In terms of public health, the Governor's commission also states that marijuana today is significantly more potent and toxic than in the past. New Futures testified that legalization would significantly decrease the price of marijuana and significantly increase the number of users and particularly increase youth access to and use of marijuana; on this issue, the department of health and human services, bureau of drug and alcohol services states that legalization would lead to an increase in number of individuals needing treatment for abuse or dependence, but the bill does not fund treatment programs. Finally, the majority would note that the recent initiatives of legalization and regulation in both Colorado and Washington are too recent to provide any track record for a similar program in New Hampshire. For all of these reasons, the bipartisan majority of the committee recommends Inexpedient to Legislate. Vote 11-7.

Rep. Steve Vaillancourt for the Minority of Criminal Justice and Public Safety. This bill, based on what Colorado voters approved by a 55-45 percent margin last November, would not merely legalize possession of small amount of marijuana but would also strictly regulate selling or growing the substance and would also tax it.

Washington voters also approved a similar measure by the same 55-45 percent margin last year, and the latest nationwide Gallup poll shows that Americans now support legalization and not by a small margin either, but by 19 points, 58-39 percent. The numbers are even more astounding in a UNH Granite State survey of New Hampshire voters. By a 24-point margin (60-36 percent), voters expressed support for this bill, at least in part because of the revenue ramifications. While firm figure are hard to come by, with the amendment which adds a \$30 tax per ounce to a 15 percent tax previously in the bill, estimates are that \$20-30 million would be generated by passage of this bill. The same UNH poll showed opposition to a gasoline tax increase by a 40-point margin, 27-67. Thus, New Hampshire voters clearly recognize the need for additional state revenues, and they see legalization and taxation of marijuana as an opportunity whose time has come. While no one would ever suggest that we should ever legislate simply based on poll results, the Gallup and UNH surveys serve as proof that our society has turned the corner when it comes to legalization. Rather than spending millions of dollars prosecuting and incarcerating people who use marijuana, we have a chance to money off the subject. This bill would only apply to those 21 and older. Nothing in the bill would allow anyone to drive under the influence of marijuana or any other substance. By legalizing, regulating, and taxing, society would in effect be taking the profit away from illegal operations, which truly harm society. Most people agree that anyone these days can acquire "illegal" marijuana. Supporters of this bill are not saying that anyone should use marijuana, merely that it should be an option for consenting adults. While excess use of marijuana could be harmful, all studies indicate that it is much less harmful than excess use of alcohol and many other subjects. This house has heard all the arguments before, but the minority believes that the arguments in favor of legalization resonate even more today with the latest polls which show support from all age groups of society except 65 and over (and in that category it's only negative two at 47-49). Democrats polled supported this bill 78-19, but many of the votes in favor of the bill were from Republicans, making this a truly bipartisan effort. The federal government this past summer notified Colorado and Washington that it would not take action against what their voters have done as long as the state does not allow sale to minors. The minority is encouraged by those words from the feds but even more encouraged from all data that shows the time has come to pass this bill, thus making New Hampshire first in the nation once again, in this case, the first for a legislature to legalize, regulate, and tax (Colorado and Washington but approved it by referendum, an option not available in New Hampshire). The amendment changes the effective date of the bill to July 1, 2014, thus allowing enough time for systems to be implemented to make it work.

The question being adoption of the majority committee report of Inexpedient to Legislate.

Reps. Sapareto and Winters spoke against.

Rep. Harriott-Gathright spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Kappler moved that **HB 492-FN-L**, relative to the legalization and regulation of marijuana, be laid on the table.

Rep. Hoell requested a roll call; sufficiently seconded.

YEAS 113 - NAYS 221

YEAS - 113

BELKNAP

Cormier, Jane
Holmes, Stephen

DiMartino, Lisa
Tilton, Franklin

Fields, Dennis

Flanders, Donald

CARROLL

Ahlgren, Christopher
McConkey, Mark
Ticehurst, Susan

Buco, Thomas
Merrow, Harry
Umberger, Karen

Chandler, Gene
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Ames, Richard
Johnson, Jane

Butynski, William
Lerandeau, Alfred

Eaton, Daniel
Roberts, Kris

Hunt, John

COOS

Rappaport, Laurence

Richardson, Herbert

Thomas, Yvonne

GRAFTON

Almy, Susan
Nordgren, Sharon

Bailey, Brad

Doolan, Ralph

Lauer, Linda

HILLSBOROUGH

Barry, Richard
Cote, David
Gargas, Carolyn

Boehm, Ralph
Daniels, Gary
Goley, Jeffrey

Byron, Frank
Eaton, Richard
Graham, John

Campbell, David
Flanagan, Jack
Haefner, Robert

Hansberry, Daniel
Hinch, Richard
LeVasseur, Richard
Parison, James
Rosenwald, Cindy

Hansen, Peter
Jasper, Shawn
MacKay, Mariellen
Peterson, Lenette
Rowe, Robert

Harriott-Gathright, Linda
Kopka, Angeline
McCarthy, Michael
Porter, Marjorie
Willette, Robert

Heden, Ruth
LeBrun, Donald
Notter, Jeanine
Ramsey, Peter

MERRIMACK

Davis, Frank
Kelly, Sally
Turcotte, Alan

Gile, Mary
Kotowski, Frank
Wallner, Mary Jane

Hoell, J.R.
Shurtleff, Stephen
Webb, Leigh

Karrick, David
Smith, Todd

ROCKINGHAM

Abrami, Patrick
Copeland, Timothy
Ferrante, Beverly
Hodgdon, Bruce
Major, Norman
Sanders, Elisabeth

Allen, Mary
Devine, James
Gordon, Richard
Hoelzel, Kathleen
McMahon, Charles
Tamburello, Daniel

Bick, Patrick
Dumaine, Dudley
Griffin, Mary
Introne, Robert
Pantelakos, Laura
Weyler, Kenneth

Birdsell, Regina
Elliott, Robert
Harris, Jeffrey
Kappler, Lawrence
Rice, Frederick

STRAFFORD

Baber, William
Groen, Warren
Rogers, Rose Marie
Wall, Janet

Berube, Roger
Kaen, Naida
Rollo, Deanna

Grassie, Anne
Pelletier, Marsha
Smith, Marjorie

Gray, James
Pitre, Joseph
Verschueren, James

SULLIVAN

Gottling, Suzanne

Osgood, Joe

Rollins, Skip

Smith, Steven

NAYS - 221

BELKNAP

Burchell, Richard
Gulick, Ruth

Comtois, Guy
Raymond, Ian

Fink, Charles
Sylvia, Michael

Greemore, Robert
Vadney, Herbert

CARROLL

Butler, Edward

Cordelli, Glenn

White, Syndi

Wright, Donald

CHESHIRE

Berch, Paul
Parkhurst, Henry
Shepardson, Marjorie
Young, Harry

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

Ley, Douglas
Robertson, Timothy
Weber, Lucy

Mann, John
Sad, Tara
Weed, Charles

COOS

Coulombe, Gary
Theberge, Robert

Hatch, William

Moynihan, Wayne

Rideout, Leon

GRAFTON

Benn, Bernard
Friedrich, Carol
Lovett, Sid
Piper, Wendy
Townsend, Charles

Brown, Rebecca
Gionet, Edmond
Massimilla, Linda
Shackett, Jeffrey
White, Andrew

Cooney, Mary
Harding, Laurie
Mulholland, Catherine
Smith, Suzanne

Ford, Susan
Higgins, Patricia
Pastor, Beatriz
Sykes, George

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Chandley, Shannon
DiSilvestro, Linda
Gale, Sylvia
Grady, Brenda
Hikel, John
Knowles, Mary Ann
Levesque, Melanie
Marston, Dick
Murphy, Kelleigh
O'Brien, William
Ober, Russell
Rhodes, Brian
Shattuck, Gilman
Stroud, Kathleen
Ulery, Jordan
Walsh, Robert
Woodbury, David

Beaulieu, Jane
Burt, John
Christiansen, Lars
Dobson, Jeremy
Garcia, Michael
Hackel, Paul
Jack, Martin
Kurk, Neal
Long, Patrick
McNamara, Richard
Murphy, Keith
O'Flaherty, Tim
Palmer, Stephen
Rokas, Ted
Shaw, Barbara
Sullivan, Daniel
Vail, Suzanne
Warden, Mark

Belanger, James
Carroll, Douglas
Coffey, James
Gage, Ruth
Gidge, Kenneth
Hammond, Jill
Judy, Jean
Lambert, George
Mangipudi, Latha
Meaney, Richard
Nelson, Mary
O'Neil, William
Pellegrino, Tony
Sandblade, Emily
Smith, Timothy
Sullivan, Peter
Vaillancourt, Steve
Williams, Kermit

Booras, Efsthathia
Cebrowski, John
Danielson, David
Gagne, Larry
Gorman, Mary
Heath, Mary
Katsiantonis, Thomas
Leishman, Peter
Manley, Jonathan
Murotake, David
O'Brien, Michael
Ober, Lynne
Pratt, Calvin
Schmidt, Janice
Soucy, Timothy
Takesian, Charlene
Villeneuve, Moe
Winters, Joel

MERRIMACK

Alicea, Caroletta	Andrews, Christopher	Bartlett, Christy	Bouchard, Candace
Burns, Scott	Carey, Lorrie	Carson, Clyde	Ebel, Karen
Frambach, Mary	Frazer, June	French, Barbara	Henle, Paul
Hirsch, Geoffrey	Hunt, Jane	Kidder, David	Lockwood, Priscilla
MacKay, James	McGuire, Carol	McGuire, Dan	Moffett, Howard
Ratzki, Mario	Rice, Chip	Richardson, Gary	Rogers, Katherine
Schamberg, Thomas	Schuett, Dianne	Walsh, Thomas	Watrous, Rick

ROCKINGHAM

Baldasaro, Alfred	Borden, David	Briden, Steven	Cahill, Michael
Cali-Pitts, Jacqueline	Chirichiello, Brian	Comerford, Timothy	Cushing, Robert
Danaïs, Romeo	Duarte, Joe	Emerick, J. Tracy	Emerson-Brown, Rebecca
Fesh, Robert	Flockhart, Eileen	Garcia, Bianca	Garcia, Marilinda
Heffron, Frank	Itse, Daniel	Khan, Aboul	Lovejoy, Patricia
Mann, Maureen	Moody, Marcia	Muns, Chris	Nigrello, Robert
O'Connor, John	Oligny, Jeffrey	Peckham, Michele	Sapareto, Frank
Scarlott, Joe	Schlachman, Donna	Schroadter, Adam	Sedensky, John
Sherman, Thomas	St.James, Kevin	Sytek, John	Tasker, Kyle
Till, Mary	Ward, Gerald	Waterhouse, Kevin	Wazlaw, Brian
Webb, James	Whittemore, Lisa		

STRAFFORD

Beaudoin, Steven	Bickford, David	Bixby, Peter	Burke, Rachel
Gardner, Janice	Grossman, Kenneth	Hooper, Dorothea	Horrigan, Timothy
Jones, Laura	Ketel, Stephen	Malloy, Dennis	Menear, H. Robert
Merrill, Amanda	Miller, David	Mullen, John	Parsons, Robbie
Perry, Robert	Schmidt, Peter	Spainhower, Dale	Spang, Judith
Ward, Kenneth			

SULLIVAN

Cloutier, John	Gagnon, Raymond	Grenier, James	Irwin, Virginia
Lefebvre, Benjamin	O'Hearne, Andrew	Schmidt, Andrew	Sweeney, Cynthia
Tanner, Linda			

and the motion failed.

The question now being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Gage spoke against.

Rep. Vaillancourt spoke against and yielded to questions.

(Rep. Kaen in the Chair)

Reps. Danaïs spoke against and yielded to questions.

Rep. Butynski spoke in favor.

Rep. Pantelakos requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 168**YEAS - 170****BELKNAP**

Cormier, Jane	DiMartino, Lisa	Fields, Dennis	Flanders, Donald
Holmes, Stephen	Raymond, Ian	Sylvia, Michael	Tilton, Franklin
Vadney, Herbert			

CARROLL

Ahlgren, Christopher	Buco, Thomas	Cordelli, Glenn	Crawford, Karel
McConkey, Mark	Morrow, Harry	Nelson, Bill	Schmidt, Stephen
Umberger, Karen			

CHESHIRE

Ames, Richard	Butynski, William	Hunt, John	Johnson, Jane
Lerandau, Alfred	Mann, John	Parkhurst, Henry	Roberts, Kris
Sad, Tara			

COOS

Hatch, William	Rappaport, Laurence	Richardson, Herbert	Rideout, Leon
Theberge, Robert	Thomas, Yvonne		

GRAFTON

Almy, Susan	Bailey, Brad	Brown, Rebecca	Cooney, Mary
Doolan, Ralph	Ford, Susan	Gionet, Edmond	Harding, Laurie
Lauer, Linda	Massimilla, Linda	Nordgren, Sharon	Piper, Wendy
Smith, Suzanne	Townsend, Charles		

HILLSBOROUGH

Backus, Robert
Brown, Pamela
Chandley, Shannon
Flanagan, Jack
Grady, Brenda
Hansen, Peter
Hopper, Gary
Leishman, Peter
Manley, Jonathan
Palmer, Stephen
Ramsey, Peter
Stroud, Kathleen
Willette, Robert

Barry, Richard
Byron, Frank
Cote, David
Gargas, Carolyn
Graham, John
Harriott-Gathright, Linda
Jasper, Shawn
LeVasseur, Richard
McCarthy, Michael
Pellegrino, Tony
Rosenwald, Cindy
Sullivan, Daniel

Boehm, Ralph
Campbell, David
Daniels, Gary
Goley, Jeffrey
Haefner, Robert
Heden, Ruth
Katsiantonis, Thomas
MacKay, Mariellen
Nelson, Mary
Peterson, Lenette
Shattuck, Gilman
Villeneuve, Moe

Booras, Efstathia
Cebrowski, John
Eaton, Richard
Gorman, Mary
Hansberry, Daniel
Hinch, Richard
Kopka, Angeline
Mangipudi, Latha
Notter, Jeanine
Porter, Marjorie
Souza, Kathleen
Walsh, Robert

MERRIMACK

Burns, Scott
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MacKay, James
Shurtleff, Stephen

Carey, Lorrie
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Moffett, Howard
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Davis, Frank
Kelly, Sally
Rogers, Katherine
Wallner, Mary Jane

Ebel, Karen
Kotowski, Frank
Schuett, Dianne
Webb, Leigh

ROCKINGHAM

Abrami, Patrick
Bishop, Franklin
Devine, James
Gordon, Richard
Hodgdon, Bruce
Khan, Aboul
Muns, Chris
Schlachman, Donna
Tucker, Pamela

Allen, Mary
Cahill, Michael
Dumaine, Dudley
Griffin, Mary
Hoelzel, Kathleen
Major, Norman
Pantelakos, Laura
Sherman, Thomas
Wazlaw, Brian

Bick, Patrick
Cali-Pitts, Jacqueline
Elliott, Robert
Harris, Jeffrey
Introne, Robert
McKinney, Betsy
Rice, Frederick
St.James, Kevin
Weyler, Kenneth

Birdsell, Regina
Copeland, Timothy
Fesh, Robert
Heffron, Frank
Kappler, Lawrence
McMahon, Charles
Sanders, Elisabeth
Tamburello, Daniel
Whittemore, Lisa

STRAFFORD

Baber, William
Mullen, John
Rollo, Deanna
Wall, Janet

Berube, Roger
Parsons, Robbie
Schmidt, Peter

Groen, Warren
Pelletier, Marsha
Spainhower, Dale

Malloy, Dennis
Pitre, Joseph
Verschuere, James

SULLIVAN

Cloutier, John
O'Hearne, Andrew
Sweeney, Cynthia

Gagnon, Raymond
Osgood, Joe

Gottling, Suzanne
Rollins, Skip

Irwin, Virginia
Smith, Steven

NAYS - 168**BELKNAP**

Burchell, Richard
Gulick, Ruth

Comtois, Guy

Fink, Charles

Greemore, Robert

CARROLL

Butler, Edward

Ticehurst, Susan

White, Syndi

Wright, Donald

CHESHIRE

Berch, Paul
Phillips, Larry
Weber, Lucy

Chase, Cynthia
Robertson, Timothy
Weed, Charles

Eaton, Daniel
Shepardson, Marjorie
Young, Harry

Ley, Douglas
Tatro, Bruce

COOS

Coulombe, Gary

Moynihan, Wayne

GRAFTON

Benn, Bernard
Mulholland, Catherine
White, Andrew

Friedrich, Carol
Pastor, Beatriz

Higgins, Patricia
Shackett, Jeffrey

Lovett, Sid
Sykes, George

HILLSBOROUGH

Beaulieu, Jane
Coffey, James
Gage, Ruth
Gidge, Kenneth
Hikel, John
Kurk, Neal

Belanger, James
Danielson, David
Gagne, Larry
Hackel, Paul
Jack, Martin
Lambert, George

Burt, John
DiSilvestro, Linda
Gale, Sylvia
Hammond, Jill
Judy, Jean
LeBrun, Donald

Carroll, Douglas
Dobson, Jeremy
Garcia, Michael
Heath, Mary
Knowles, Mary Ann
Levesque, Melanie

Long, Patrick
Murotake, David
O'Brien, William
Ober, Russell
Rokas, Ted
Smith, Timothy
Sweeney, Shawn
Vaillancourt, Steve
Woodbury, David

Marston, Dick
Murphy, Kelleigh
O'Flaherty, Tim
Parison, James
Sandblade, Emily
Soucy, Timothy
Takesian, Charlene
Warden, Mark

McNamara, Richard
Murphy, Keith
O'Neil, William
Pratt, Calvin
Schmidt, Janice
Spratt, Stephen
Ulery, Jordan
Williams, Kermit

Meaney, Richard
O'Brien, Michael
Ober, Lynne
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Vail, Suzanne
Winters, Joel

MERRIMACK

Alicea, Caroletta
Carson, Clyde
Gile, Mary
Hunt, Jane
McGuire, Dan
Schamberg, Thomas
Watrous, Rick

Andrews, Christopher
Frambach, Mary
Henle, Paul
Kidder, David
Ratzki, Mario
Turcotte, Alan

Bartlett, Christy
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Rice, Chip
Walsh, Thomas

Bouchard, Candace
French, Barbara
Hoell, J.R.
McGuire, Carol
Richardson, Gary
Walz, Mary Beth

ROCKINGHAM

Baldasaro, Alfred
Comerford, Timothy
Emerick, J. Tracy
Garcia, Bianca
Mann, Maureen
Oligny, Jeffrey
Schroadter, Adam
Till, Mary

Borden, David
Cushing, Robert
Emerson-Brown, Rebecca
Garcia, Marilinda
Moody, Marcia
Peckham, Michele
Sedensky, John
Ward, Gerald

Briden, Steven
Danais, Romeo
Ferrante, Beverly
Itse, Daniel
Nigrello, Robert
Sapareto, Frank
Sytek, John
Waterhouse, Kevin

Chirichiello, Brian
Duarte, Joe
Flockhart, Eileen
Lovejoy, Patricia
O'Connor, John
Scarlott, Joe
Tasker, Kyle
Webb, James

STRAFFORD

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Merrill, Amanda
Smith, Marjorie

Bickford, David
Grassie, Anne
Jones, Laura
Miller, David
Spang, Judith

Bixby, Peter
Gray, James
Ketel, Stephen
Perry, Robert
Ward, Kenneth

Burke, Rachel
Grossman, Kenneth
Menear, H. Robert
Rogers, Rose Marie

SULLIVAN

Grenier, James

Lefebvre, Benjamin

Schmidt, Andrew

Tanner, Linda

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Sylvia moved that the House reconsider its action whereby, on a roll call vote of 170-168, the House adopted the majority committee report of Inexpedient to Legislate on **HB 492-FN-L**, relative to the legalization and regulation of marijuana.

Rep. Sapareto requested a roll call; not sufficiently seconded.

On a division vote, 173 members having voted in the affirmative and 165 in the negative, the motion was adopted.

The question now being adoption of the majority committee report of Inexpedient to Legislate.

On a division vote, 168 members having voted in the affirmative and 170 in the negative, the majority committee report failed.

Rep. Vaillancourt moved the minority committee report of Ought to Pass with Amendment and offered minority committee amendment (2334h).

Minority Amendment (2334h)

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

1 Purpose and Findings. The general court hereby finds that:

I. In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the people of the state of New Hampshire find and declare that the use of marijuana should be legal for a person 21 years of age or older and taxed in a manner similar to alcohol.

II. In the interest of the health and public safety of our citizenry, the people of the state of New Hampshire further find and declare that marijuana should be regulated in a manner similar to alcohol so that:

(a) Individuals will have to show proof of age before purchasing marijuana;

(b) Selling, distributing, or transferring marijuana to minors and other individuals under the age of 21 shall remain illegal;

(c) Driving under the influence of marijuana shall remain illegal;

(d) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; and

(e) Marijuana sold in this state will be labeled and subject to additional regulations to ensure that consumers are informed and protected.

III. It is necessary to ensure consistency and fairness in the application of this act throughout the state and that, therefore, the matters addressed by this act are, except as specified herein, matters of statewide concern.

2 New Chapter; Regulation of Marijuana. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F
REGULATION OF MARIJUANA

318-F:1 Definitions. In this chapter:

I. "Consumer" means a person 21 years of age or older who purchases marijuana or marijuana products for personal use by a person 21 years of age or older, but not for resale to others.

II. "Department" means the department of revenue administration.

III. "Marijuana" means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" shall not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

IV. "Marijuana accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use for ingesting, inhaling, or otherwise introducing marijuana into the human body.

V. "Marijuana cultivation facility" means an entity licensed to cultivate, prepare, package, and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

VI. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

VII. "Marijuana product manufacturing facility" means an entity licensed to purchase marijuana and to manufacture, prepare, package, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

VIII. "Marijuana products" means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

IX. "Marijuana testing facility" means an entity licensed to analyze and certify the safety and potency of marijuana.

X. "Retail marijuana store" means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

318-F:2 Personal Use of Marijuana. If undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, consuming, using, displaying, obtaining, purchasing, or transporting marijuana accessories, or marijuana in the amount of one ounce or less including up to 5 grams of hashish.

II. Possessing, growing, processing, or transporting no more than 6 marijuana plants, with 3 or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown.

III. Transferring one ounce or less of marijuana and up to 6 immature marijuana plants to a person who is 21 years of age or older without remuneration.

IV. Transferring or selling marijuana seeds or up to 6 marijuana seedlings to marijuana cultivation facilities.

V. Assisting another person who is 21 years of age or older in any of the acts described in this section.

318-F:3 Restrictions on Personal Cultivation; Penalty.

I. No person who is 21 years of age or older shall cultivate marijuana plants except as provided in this section.

II. Marijuana plants shall not be cultivated in a location where the plants are subject to public view without the use of binoculars, aircraft, or other optical aids.

III. A person who cultivates marijuana shall take reasonable precautions to ensure the plants are secure from unauthorized access. Cultivating marijuana in an enclosed, locked space to which unauthorized persons do not have access, or other similar security precautions, shall be prima facie evidence of reasonable precautions.

IV. Marijuana cultivation shall only occur on property the cultivator legally owns, leases, or controls, or with the consent of the person who legally owns, leases, or controls the property.

V. A person who violates this section shall be guilty of a violation and may be fined not more than \$750.
318-F:4 Public Smoking of Marijuana Prohibited; Penalty.

I. No person shall smoke marijuana in a public place.

II. A person who violates this section shall be guilty of a violation and may be punished by a fine of not more than \$100.

318-F:5 Lawful Operation of Marijuana-Related Facilities. If undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, displaying, or transporting marijuana or marijuana products; obtaining or purchasing marijuana from a marijuana cultivation facility; obtaining or purchasing marijuana or marijuana products from a marijuana product manufacturing facility; or sale of marijuana or marijuana products to an adult who is 21 years of age or older, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a retail marijuana store or is acting in his or her capacity as an owner, employee, or agent of a licensed retail marijuana store.

II. Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing marijuana; obtaining or purchasing marijuana seeds or seedlings from any adult 21 years of age or older; delivery or transfer of marijuana to a marijuana testing facility; selling or transferring marijuana that has not been processed into extracts, concentrates, or other preparations to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store; or obtaining or purchasing marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana cultivation facility.

III. Packaging, processing, transporting, manufacturing, displaying, or possessing marijuana or marijuana products; delivery or transfer of marijuana or marijuana products to a marijuana testing facility; selling marijuana or marijuana products to a retail marijuana store or a marijuana product manufacturing facility; purchasing or obtaining marijuana from a marijuana cultivation facility; or purchasing or obtaining marijuana or marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana product manufacturing facility.

IV. Possessing, obtaining, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering marijuana or marijuana products if the person has obtained a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed marijuana testing facility.

V. Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this section.

318-F:6 Marijuana Accessories Authorized.

I. It shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law for a person 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

II. A person who is 21 years of age or older may manufacture, possess, obtain, and purchase marijuana accessories, and may distribute, deliver, or sell marijuana accessories to a person who is 21 years of age or older.

318-F:7 Regulation of Marijuana.

I. Not later than June 1, 2015, the department shall adopt rules pursuant to RSA 541-A necessary for implementation of this chapter. Such rules shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment.

(b) A schedule of application, licensing, and renewal fees, provided, application fees shall not exceed \$1,000, adjusted annually for inflation.

(c) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment.

(d) Security requirements for marijuana establishments.

(e) Establishing the number of each type of marijuana establishment license that will be issued, provided that:

(1) The total number of cultivation facility licenses shall not be less than 10.

(2) The number of retail marijuana stores shall be no fewer than one retail marijuana store for every 10 retail liquor stores, except that the number may be reduced by an amount that is proportionate to the population of any municipalities that do not allow retail marijuana stores within their borders.

(3) The total number of testing facilities may not be less than 4.

(4) The department may establish the number of marijuana retail stores allowed in each county or municipality that has not prohibited marijuana retail stores or established a lower numerical limit on marijuana retail stores.

(f) Labeling requirements for marijuana and marijuana products sold or distributed by a marijuana establishment.

(g) Health and safety regulations and standards for the manufacture of marijuana products and the cultivation of marijuana.

(h) Restrictions on the advertising, signage, and display of marijuana and marijuana products, including restrictions to prevent marijuana from being marketed to minors.

(i) Restrictions on where marijuana establishments may be located, which shall include a prohibition such establishments being located within 1,000 feet of a school.

II. The department shall not require a consumer to provide a retail marijuana store with personal information other than government-issued identification to determine the consumer's age, and a retail marijuana store shall not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

318-F:8 Sales to Persons Under 21 Years of Age. The establishment of all the following facts by a retail marijuana store or an agent or employee of a retail marijuana store making a sale of marijuana or marijuana accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

I. That the person falsely represented in writing and supported by official documentation that he or she was 21 years of age or over;

II. That the appearance of the person was such that an ordinary and prudent person would believe him or her to be 21 years of age or over; and

III. That the sale was made in good faith relying upon such written representation and appearance in the reasonable belief that the person was 21 years of age or over.

318-F:9 Proof of Purchaser's Identity.

I. For the purposes of RSA 318-F:8, any person making the sale of marijuana or marijuana accessories to any purchaser whose age is in question may accept any of the following documentation as proof that the purchaser is 21 years of age or over:

(a) A valid motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the name, address, date of birth, and photograph of the purchaser.

(b) A valid identification card issued by the director of motor vehicles under the provisions of RSA 260:21, or any picture identification card issued by another state which bears the name, address, and date of birth of the purchaser.

(c) A valid armed services identification card showing the purchaser's name and date of birth.

(d) A valid passport from a country with which the United States maintains diplomatic relations showing the purchaser's name, address, and date of birth.

II. The appearance of the purchaser shall be consistent with the photographic identification presented under this section and the proof of identification shall be free of alteration, erasure, blemish, or other impairment.

318-F:10 Employers, Driving, Minors, and Control of Property.

I. Nothing in this chapter shall be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.

II. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by marijuana.

III. Nothing in this chapter shall be construed to permit the transfer of marijuana, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume marijuana.

IV. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in the correctional facility's property.

V. Nothing in this chapter shall prohibit a person or other entity that legally owns, leases, or controls any property from prohibiting or otherwise regulating the sale, use, or growing of marijuana on or in the property.

3 New Chapter; Taxation of Marijuana. Amend RSA by inserting after chapter 77-G the following new chapter:

CHAPTER 77-H TAXATION OF MARIJUANA

77-H:1 Definitions. In this chapter, the definitions set forth in RSA 318-F:1 shall apply.

77-H:2 Tax Imposed.

I. A tax shall be levied upon marijuana sold or otherwise transferred by a marijuana cultivation facility to a marijuana product manufacturing facility or to a retail marijuana store at a rate of \$30 per ounce of marijuana or proportionate part thereof. The department shall collect such tax and adjust the rate annually to account for inflation or deflation based on the United States Department of Labor, Bureau of Labor Standards, Consumer Price Index.

II. A tax shall be levied upon marijuana sold or otherwise transferred by a retail marijuana store at a rate of 15 percent of the sale price. The department shall collect such tax as provided in this chapter.

III. The commissioner of the department of revenue administration shall quarterly deposit all tax revenues collected under this chapter into the general fund.

IV. The department shall adopt rules, pursuant to RSA 541-A relative to the procedures for collection of tax revenues under this chapter.

77-H:3 Administration.

I. Each application for a license to operate a marijuana establishment shall be submitted to the department. The department shall:

(a) Accept and process applications beginning on June 1, 2015;

(b) Immediately forward a copy of each application and half of the license application fee to the municipality in which the applicant desires to operate the marijuana establishment;

(c) Issue a license to the applicant between 45 and 90 days after receipt of an application unless the department finds the applicant is not in compliance with the requirements of this section or the department is notified by the relevant municipality that the applicant is not in compliance with an ordinance adopted pursuant to this section and in effect at the time of application, provided, where the department or a municipality has enacted a numerical limit on the number of marijuana establishments and a greater number of applicants seek licenses in such municipality, the department shall solicit and consider input from the municipality as to the municipality's preference for licensure; and

(1) Whether the applicant has experience operating as an alternative treatment center pursuant to RSA 126-X.

(2) The suitability of the proposed location, including compliance with any local zoning laws.

(3) The proposed marijuana establishment's plan for operations and whether it has sufficient capital to operate.

(4) The principal officers' and board members' character and relevant experience, including any training or professional licensing related to botany and their experience operating a nonprofit organization or business.

(5) The sufficiency of the applicant's plans for recordkeeping and inventory control.

(6) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(7) Whether the entity possesses or has the right to use land, buildings, and equipment sufficient to properly carry out its duties as a marijuana establishment.

(8) Any input provided by the municipality in which the applicant seeks to operate.

II. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a license to operate a marijuana establishment within the boundaries of the municipality.

III. A municipality may enact an ordinance, consistent with this section, RSA 318-F, and any rules adopted, regulating the time, place, manner, and number of marijuana establishment operations.

IV. A municipality may enact an ordinance prohibiting or limiting the number of any type of marijuana establishment that may be permitted within the municipality.

4 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a (k) to read as follows:

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing [~~marijuana;~~ cocaine~~;~~ hashish~~;~~ or hashish oil] into the human body, such as:

5 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter **or as otherwise authorized by law**; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he **or she** represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he **or she** represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

6 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(c)(5) to read as follows:

(5) Marijuana in a quantity of **more than** one ounce [~~or more~~] including any adulterants or dilutants, or hashish in a quantity of **more than** 5 grams [~~or more~~] including any adulterants or dilutants;

7 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter ***or as otherwise authorized by law***, shall be sentenced as follows, except as otherwise provided in this section:

8 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

(d) In the case of ***more than one ounce of*** marijuana, ~~[including any adulterants or dilutants, or 5 grams or less of hashish]~~ ***not including the weight of any ingredients combined with the marijuana***, the person shall be guilty of a class A misdemeanor.

9 New Subparagraphs; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II by inserting after subparagraph (d) the following new subparagraphs:

(e) In the case of a person over the age of 18 and under the age of 21 who possesses not more than one ounce of marijuana, or 5 grams of hashish, the person shall be guilty of a violation and may be fined up to \$100.

(f) In the case of a person under the age of 18 who possesses not more than one ounce of marijuana, or 5 grams of hashish, the person shall be guilty of a violation and fined not more than \$100. The fine shall be suspended pending completion of a drug awareness course within 6 months of the violation. If the person fails to complete the course within the time allotted, the court shall impose the fine.

10 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:1, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, ***the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law***.

11 Repeal. The following are repealed:

I. RSA 318-B:1, X-a (g), relative to separation gins and sifters used or intended for use with marijuana.

II. RSA 318-B:26, I(d)(1), relative to the penalty for possession of up to one ounce of marijuana.

12 Effective Date. This act shall take effect July 1, 2014.

AMENDED ANALYSIS

This bill:

I. Legalizes the personal use of up to one ounce of marijuana by persons 21 years of age or older.

II. Authorizes the licensing of marijuana wholesale, retail, cultivation, and testing facilities.

III. Imposes a tax on the sale of marijuana.

MOTION TO LAY ON THE TABLE

Rep. Dumaine moved that ***HB 492-FN-L***, relative to the legalization and regulation of marijuana, be laid on the table.

Rep. Berube requested a roll call; sufficiently seconded.

YEAS 153 - NAYS 185

YEAS - 153

BELKNAP

Cormier, Jane
Raymond, Ian

Fields, Dennis
Tilton, Franklin

Flanders, Donald

Holmes, Stephen

CARROLL

Ahlgren, Christopher
McConkey, Mark
Ticehurst, Susan

Buco, Thomas
Morrow, Harry
Umberger, Karen

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Ames, Richard
Lerandeau, Alfred
Weed, Charles

Butynski, William
Parkhurst, Henry

Hunt, John
Roberts, Kris

Johnson, Jane
Sad, Tara

COOS

Hatch, William
Thomas, Yvonne

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Almy, Susan
Doolan, Ralph
Massimilla, Linda
Smith, Suzanne

Bailey, Brad
Ford, Susan
Nordgren, Sharon

Brown, Rebecca
Harding, Laurie
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Hodgdon, Bruce
Khan, Aboul
Pantelakos, Laura
St.James, Kevin
Weyler, Kenneth

Allen, Mary
Cahill, Michael
Elliott, Robert
Gordon, Richard
Hoelzel, Kathleen
Major, Norman
Rice, Frederick
Sytek, John
Whittemore, Lisa

Bick, Patrick
Copeland, Timothy
Fesh, Robert
Griffin, Mary
Introne, Robert
McKinney, Betsy
Sanders, Elisabeth
Tucker, Pamela

Birdsell, Regina
Devine, James
Garcia, Bianca
Harris, Jeffrey
Kappler, Lawrence
McMahon, Charles
Schlachman, Donna
Wazlaw, Brian

STRAFFORD

Berube, Roger
Pitre, Joseph
Verschueren, James

Groen, Warren
Rollo, Deanna
Wall, Janet

Mullen, John
Schmidt, Peter

Pelletier, Marsha
Spainhower, Dale

SULLIVAN

Gagnon, Raymond
Rollins, Skip

Gottling, Suzanne
Smith, Steven

O'Hearne, Andrew
Sweeney, Cynthia

Osgood, Joe

NAYS - 185

BELKNAP

Burchell, Richard
Greemore, Robert

Comtois, Guy
Gulick, Ruth

DiMartino, Lisa
Sylvia, Michael

Fink, Charles
Vadney, Herbert

CARROLL

Butler, Edward

White, Syndi

Wright, Donald

CHESHIRE

Berch, Paul
Mann, John
Tatro, Bruce

Chase, Cynthia
Phillips, Larry
Weber, Lucy

Eaton, Daniel
Robertson, Timothy
Young, Harry

Ley, Douglas
Shepardson, Marjorie

COOS

Coulombe, Gary

Moynihan, Wayne

Theberge, Robert

GRAFTON

Benn, Bernard
Lovett, Sid
Townsend, Charles

Friedrich, Carol
Mulholland, Catherine
White, Andrew

Gionet, Edmond
Shackett, Jeffrey

Higgins, Patricia
Sykes, George

HILLSBOROUGH

Beaulieu, Jane
Chandle, Shannon
Dobson, Jeremy
Garcia, Michael
Hammond, Jill
Jeudy, Jean
Lambert, George
Long, Patrick
Meaney, Richard
O'Brien, Michael
Ober, Russell
Rokas, Ted
Smith, Timothy

Booras, Efstathia
Coffey, James
Gage, Ruth
Gidge, Kenneth
Heath, Mary
Katsiantonis, Thomas
LeBrun, Donald
Mangipudi, Latha
Murotake, David
O'Brien, William
Porter, Marjorie
Sandblade, Emily
Soucy, Timothy

Burt, John
Danielson, David
Gagne, Larry
Gorman, Mary
Hikel, John
Knowles, Mary Ann
Leishman, Peter
Marston, Dick
Murphy, Kelleigh
O'Flaherty, Tim
Pratt, Calvin
Schmidt, Janice
Spratt, Stephen

Carroll, Douglas
DiSilvestro, Linda
Gale, Sylvia
Hackel, Paul
Jack, Martin
Kurk, Neal
Levesque, Melanie
McNamara, Richard
Murphy, Keith
O'Neil, William
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter

Sweeney, Shawn
Vaillancourt, Steve
Winters, Joel

Takesian, Charlene
Walsh, Robert
Woodbury, David

Ulery, Jordan
Warden, Mark

Vail, Suzanne
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Carey, Lorrie
French, Barbara
Hoell, J.R.
McGuire, Carol
Richardson, Gary
Walz, Mary Beth

Andrews, Christopher
Carson, Clyde
Gile, Mary
Hunt, Jane
McGuire, Dan
Schamberg, Thomas
Watrous, Rick

Bartlett, Christy
Ebel, Karen
Henle, Paul
Kidder, David
Ratzki, Mario
Turcotte, Alan

Bouchard, Candace
Frambach, Mary
Hirsch, Geoffrey
Lockwood, Priscilla
Rice, Chip
Walsh, Thomas

ROCKINGHAM

Baldasaro, Alfred
Chirichiello, Brian
Duarte, Joe
Flockhart, Eileen
Mann, Maureen
O'Connor, John
Scarlott, Joe
Tamburello, Daniel
Waterhouse, Kevin

Borden, David
Comerford, Timothy
Emerick, J. Tracy
Heffron, Frank
Moody, Marcia
Oligny, Jeffrey
Schroadter, Adam
Tasker, Kyle
Webb, James

Briden, Steven
Cushing, Robert
Emerson-Brown, Rebecca
Itse, Daniel
Muns, Chris
Peckham, Michele
Sedensky, John
Till, Mary

Cali-Pitts, Jacqueline
Danais, Romeo
Ferrante, Beverly
Lovejoy, Patricia
Nigrello, Robert
Sapareto, Frank
Sherman, Thomas
Ward, Gerald

STRAFFORD

Baber, William
Burke, Rachel
Grossman, Kenneth
Malloy, Dennis
Parsons, Robbie
Spang, Judith

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Meneer, H. Robert
Perry, Robert
Ward, Kenneth

Bickford, David
Grassie, Anne
Jones, Laura
Merrill, Amanda
Rogers, Rose Marie

Bixby, Peter
Gray, James
Ketel, Stephen
Miller, David
Smith, Marjorie

SULLIVAN

Cloutier, John
Schmidt, Andrew

Grenier, James
Tanner, Linda

Irwin, Virginia

Lefebvre, Benjamin

and the motion failed.

The question now being adoption of the minority committee amendment (2334h).

Rep. Kappler requested a roll call; not sufficiently seconded.

On a division vote, 210 members having voted in the affirmative and 127 in the negative, the minority committee amendment was adopted.

The question now being adoption of the minority committee report of Ought to Pass with Amendment.

Rep. Harding spoke against.

(Speaker Norelli in the Chair)

Rep. Vaillancourt spoke in favor.

Rep. Winters spoke in favor and yielded to questions.

Rep. Jasper spoke against, yielded to questions and requested a roll call; sufficiently seconded.

YEAS 170 - NAYS 162

YEAS - 170

BELKNAP

Burchell, Richard
Gulick, Ruth

Comtois, Guy
Sylvia, Michael

Fink, Charles
Vadney, Herbert

Greemore, Robert

CARROLL

Butler, Edward

Ticehurst, Susan

White, Syndi

Wright, Donald

CHESHIRE

Ames, Richard
Ley, Douglas
Robertson, Timothy
Young, Harry

Berch, Paul
Parkhurst, Henry
Shepardson, Marjorie

Chase, Cynthia
Phillips, Larry
Tatro, Bruce

Eaton, Daniel
Roberts, Kris
Weber, Lucy

COOS

Coulombe, Gary

Moynihan, Wayne

Theberge, Robert

GRAFTON

Benn, Bernard
Mulholland, Catherine

Friedrich, Carol
Shackett, Jeffrey

Gionet, Edmond
Sykes, George

Lovett, Sid
White, Andrew

HILLSBOROUGH

Beaulieu, Jane
Coffey, James
Gage, Ruth
Gidge, Kenneth
Hikel, John
Knowles, Mary Ann
Leishman, Peter
McNamara, Richard
Murphy, Keith
O'Neil, William
Rokas, Ted
Smith, Timothy
Sweeney, Shawn
Vaillancourt, Steve
Winters, Joel

Belanger, James
Danielson, David
Gagne, Larry
Hackel, Paul
Jack, Martin
Kurk, Neal
Levesque, Melanie
Meaney, Richard
O'Brien, Michael
Parison, James
Sandblade, Emily
Soucy, Timothy
Takesian, Charlene
Walsh, Robert
Woodbury, David

Burt, John
DiSilvestro, Linda
Gale, Sylvia
Hammond, Jill
Jeudy, Jean
Lambert, George
Long, Patrick
Murotake, David
O'Brien, William
Pratt, Calvin
Schmidt, Janice
Spratt, Stephen
Ulery, Jordan
Warden, Mark

Carroll, Douglas
Dobson, Jeremy
Garcia, Michael
Heath, Mary
Katsiantonis, Thomas
LeBrun, Donald
Marston, Dick
Murphy, Kelleigh
O'Flaherty, Tim
Rhodes, Brian
Shaw, Barbara
Sullivan, Peter
Vail, Suzanne
Williams, Kermit

MERRIMACK

Alicea, Caroletta
Frazer, June
Hirsch, Geoffrey
Lockwood, Priscilla
Rice, Chip
Walz, Mary Beth

Bartlett, Christy
French, Barbara
Hoell, J.R.
McGuire, Carol
Richardson, Gary
Watrous, Rick

Bouchard, Candace
Gile, Mary
Hunt, Jane
McGuire, Dan
Turcotte, Alan

Carson, Clyde
Henle, Paul
Kidder, David
Ratzki, Mario
Walsh, Thomas

ROCKINGHAM

Baldasaro, Alfred
Cushing, Robert
Emerson-Brown, Rebecca
Mann, Maureen
Oligny, Jeffrey
Schroadter, Adam
Tasker, Kyle
Webb, James

Briden, Steven
Danaïs, Romeo
Ferrante, Beverly
Moody, Marcia
Peckham, Michele
Sedensky, John
Till, Mary

Chirichiello, Brian
Duarte, Joe
Itse, Daniel
Nigrello, Robert
Sapareto, Frank
Sytek, John
Ward, Gerald

Comerford, Timothy
Emerick, J. Tracy
Lovejoy, Patricia
O'Connor, John
Scarlott, Joe
Tamburello, Daniel
Waterhouse, Kevin

STRAFFORD

Beaudoin, Steven
Gardner, Janice
Horrigan, Timothy
Malloy, Dennis
Perry, Robert
Verschueren, James

Bickford, David
Grassie, Anne
Jones, Laura
Merrill, Amanda
Rogers, Rose Marie
Ward, Kenneth

Bixby, Peter
Gray, James
Kaen, Naida
Miller, David
Smith, Marjorie

Burke, Rachel
Grossman, Kenneth
Ketel, Stephen
Parsons, Robbie
Spang, Judith

SULLIVAN

Grenier, James

Lefebvre, Benjamin

Schmidt, Andrew

Tanner, Linda

NAYS - 162**BELKNAP**

Cormier, Jane
Holmes, Stephen

DiMartino, Lisa
Raymond, Ian

Fields, Dennis
Tilton, Franklin

Flanders, Donald

CARROLL

Ahlgren, Christopher
McConkey, Mark
Umberger, Karen

Buco, Thomas
Morrow, Harry

Cordelli, Glenn
Nelson, Bill

Crawford, Karel
Schmidt, Stephen

CHESHIRE

Butynski, William
Sad, Tara

Johnson, Jane
Weed, Charles

Lerandau, Alfred

Mann, John

COOS

Hatch, William

Rappaport, Laurence

Richardson, Herbert

Rideout, Leon

GRAFTON

Almy, Susan
Doolan, Ralph
Lauer, Linda
Piper, Wendy

Bailey, Brad
Ford, Susan
Massimilla, Linda
Smith, Suzanne

Brown, Rebecca
Harding, Laurie
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Higgins, Patricia
Pastor, Beatriz

HILLSBOROUGH

Backus, Robert
Byron, Frank

Barry, Richard
Campbell, David

Boehm, Ralph
Cebrowski, John

Brown, Pamela
Chandley, Shannon

Christiansen, Lars
 Flanagan, Jack
 Grady, Brenda
 Hansen, Peter
 Hopper, Gary
 MacKay, Mariellen
 Nelson, Mary
 Peterson, Lenette
 Shattuck, Gilman
 Villeneuve, Moe

Cote, David
 Gargas, Carolyn
 Graham, John
 Harriott-Gathright, Linda
 Jasper, Shawn
 Mangipudi, Latha
 Notter, Jeanine
 Porter, Marjorie
 Souza, Kathleen
 Willette, Robert

Daniels, Gary
 Goley, Jeffrey
 Haefner, Robert
 Heden, Ruth
 Kopka, Angeline
 Manley, Jonathan
 Palmer, Stephen
 Ramsey, Peter
 Stroud, Kathleen

Eaton, Richard
 Gorman, Mary
 Hansberry, Daniel
 Hinch, Richard
 LeVasseur, Richard
 McCarthy, Michael
 Pellegrino, Tony
 Rosenwald, Cindy
 Sullivan, Daniel

MERRIMACK

Burns, Scott
 Frambach, Mary
 MacKay, James
 Schuett, Dianne
 Webb, Leigh

Carey, Lorrie
 Hess, David
 Moffett, Howard
 Shurtleff, Stephen

Davis, Frank
 Karrick, David
 Rogers, Katherine
 Smith, Todd

Ebel, Karen
 Kelly, Sally
 Schamberg, Thomas
 Wallner, Mary Jane

ROCKINGHAM

Abrami, Patrick
 Bishop, Franklin
 Copeland, Timothy
 Fesh, Robert
 Gordon, Richard
 Hodgdon, Bruce
 Khan, Aboul
 Muns, Chris
 Schlachman, Donna
 Wazlaw, Brian

Allen, Mary
 Borden, David
 Devine, James
 Flockhart, Eileen
 Griffin, Mary
 Hoelzel, Kathleen
 Major, Norman
 Pantelakos, Laura
 Sherman, Thomas
 Weyler, Kenneth

Bick, Patrick
 Cahill, Michael
 Dumaine, Dudley
 Garcia, Bianca
 Harris, Jeffrey
 Introne, Robert
 McKinney, Betsy
 Rice, Frederick
 St.James, Kevin
 Whittemore, Lisa

Birdsell, Regina
 Cali-Pitts, Jacqueline
 Elliott, Robert
 Garcia, Marilinda
 Heffron, Frank
 Kappler, Lawrence
 McMahon, Charles
 Sanders, Elisabeth
 Tucker, Pamela

STRAFFORD

Baber, William
 Pelletier, Marsha
 Spainhower, Dale

Berube, Roger
 Pitre, Joseph
 Wall, Janet

Groen, Warren
 Rollo, Deanna

Mullen, John
 Schmidt, Peter

SULLIVAN

Cloutier, John
 O'Hearne, Andrew
 Sweeney, Cynthia

Gagnon, Raymond
 Osgood, Joe

Gottling, Suzanne
 Rollins, Skip

Irwin, Virginia
 Smith, Steven

and the minority committee report was adopted and referred to the Committee on Ways and Means.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a roll call vote of 170-162, the House adopted the minority committee report of Ought to Pass with Amendment on **HB 492-FN-L**, relative to the legalization and regulation of marijuana.

Rep. Vaillancourt spoke against.

On a division vote, 116 members having voted in the affirmative and 215 in the negative, the motion failed.

RESOLUTION

Rep. Shurtleff offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 22, 2014 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 350, prohibiting discrimination against the unemployed.

HB 226, relative to promotion of New Hampshire liquor and wines.

HB 562, relative to title loans.

UNANIMOUS CONSENT

Reps. Alicea, Mangipudi, Kappler and Elliott addressed the House.

MOTION TO PRINT REMARKS

Rep. Shurtleff moved that the remarks made by Rep. Alicea be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Alicea: Thank you, Madam Speaker. Honorable colleagues, and distinguished guests, I was not here for the November 21 Special Session. I had an excused absence because I chose to be a chaperone for my grandson's 8th grade class trip to Washington DC, as per his request. Very eventful only in positive ways, I will share with you one of my favorite moments. I was personally anxious to see the Dr. Martin Luther King, Jr. Memorial Statue as it is one of the newer ones and I had not seen it as yet. As our group approached the detached Stone of Hope, we noticed from the Mountain of Despair you could see a very clear view of the Thomas Jefferson Memorial, which reflects the principles of freedom, and liberty, which gave birth to our nation. The group of 184 students were silent, can you imagine? There was no giggling, talking or running. Behind the breathtaking Tower of Kings likeness stands the South Wall inscriptions. The children walked slowly but with meaning to the wall and began clicking pictures of the inscriptions, touching the words and picking their favorite sayings by simply a point or smile. When asked to give a unanimous consent for this auspicious occasion, I thought, words, I will share the written words that are great parts of changing our world – Dr. King's words, his quotes. I will share with you a few. "Forgiveness is not an occasional act: it is an attitude." "Life's most urgent question is: What are you doing for others?" "If you lose hope somehow you lose the vitality that keeps life moving, you lose that courage to be, that quality that helps you go on in spite of it all." "Hatred paralyzes life, love releases it. Hatred confuses life, love harmonizes it. Hatred darkens life, love illuminates it." "Our lives begin to end the day we become silent about things that matter." "Our children need our presence, not our presents." "We must learn to live together as brothers or perish together as fools." "Faith is taking the first step when you don't see the whole staircase." "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." "Injustice anywhere is a threat to justice everywhere." We recently lost Nelson Mandela. If I may leave you with a few of his words, Mr. Mandela said, "No one is born hating people because of the color of their skin. People learn to hate. They can be taught to love because love comes more naturally to the human heart." Thank you, Madam Speaker.

RECESS MOTION

Rep. Shurtleff moved that the House stand in recess for the purposes of the introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports.
Adopted.

The House recessed at 5:17 p.m.

RECESS

(Rep. Chandley in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1632 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 1632, relative to child support orders for children with disabilities. (Bouchard, Merr 18; Henle, Merr 12: Children and Family Law)

RECESS

(Rep. Whittemore in the Chair)

RESOLUTION

Rep. Shurtleff offered the following: RESOLVED, that late drafting and introduction having been approved by the Rules Committee, House Bill numbered 1633 shall be by this resolution read a first and second time by the therein listed title, sent for printing and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 1633-FN-A-L, relative to expanded gaming in New Hampshire. (Ames, Ches 9; Weber, Ches 1; Rausch, Dist 19: Ways and Means)

RECESS