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New Hampshire

HOUSE RECORD

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Concord, N.H.

Thursday, April 4, 2019

No. 12

HOUSE JOURNAL NO. 11 (Cont'd)

Wednesday, March 20, 2019

Rep. Ley moved that the House adjourn.
Motion adopted.

HOUSE JOURNAL NO. 12

Thursday, April 4, 2019

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

Prayer was offered by House Chaplain, Reverend Kate Atkinson, Rector of St. Paul's Church in Concord.

From the Book of Common Prayer: For Knowledge of God's Creation

Almighty and everlasting God, you made the universe with all its marvelous order, its atoms, worlds, and galaxies, and the infinite complexity of living creatures. Grant that, as we prove the mysteries of Your creation, we may come to know You more truly, and more surely fulfill our role in Your eternal purpose. Guide our thoughts and inspire our deliberations; give us wisdom, insight, and openness to one another, and may Your will be done. Amen.

Representative Latha Mangipudi, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by Elizabeth Marino, Jessica Hoyt, Raeven Kimball, Hope Elonga and Claudia Bahininwa, students at Concord High School. Accompanied by Concord High School music and chorus teacher Brin Cowette along with Peggo Hodes from Concord Community Music School.

LEAVES OF ABSENCE

Reps. Gidge, O'Brien, O'Connor, Janice Schmidt, Tanner and Testerman, the day, illness.

Reps. Steven Beaudoin, Buchanan, Gordon, Gunski, Hall, Higgins, Lang, McGhee, Morrison, Trento, Viens and Walsh, the day, important business.

Reps. Coursin and Sofikitis, the day, illness in the family.

INTRODUCTION OF GUESTS

Brennan Parker and Kayla Sickler, students at Milford High School, Pages for or the day.

Pat Teden, Wilma Cunningham, and Bunny Knight, guests of Rep. Wendy Thomas. Mackenzie Murphy, daughter of Rep. Murphy. Ananth Krishna, brother of Rep. Mangipudi. Juliette Michaels, guest of Rep. Grote. Larry Miller, Donna and Lauri Etela, Margaret Delano and Nancy Monaghan, guests of Reps. Maggiore and Tamara Le. Fourth-grade students at Plymouth Elementary School, guests of Reps. Fellows, Weston and Suzanne Smith. Fourth-grade students from Jaffrey Elementary School, guests of Rep. Douglas Ley.

UNANIMOUS CONSENT

Rep. Bartlett requested Unanimous Consent of the House regarding an apology and addressed the House.

MOTION TO PRINT REMARKS

Rep. Baldasaro moved that the remarks made by Rep. Bartlett during Unanimous Consent be printed in the Permanent Journal.

Without objection, Speaker ordered.

REMARKS

Rep. Bartlett: Thank you, Mister Speaker. Good Morning colleagues. I rise this morning to offer an apology. My floor speech a couple of weeks ago regarding HB 280. One of the sponsors of the bill felt I misquoted him and arraigned his motive. I was wrong, and I apologize to him and did not want to hurt his feelings. I did vote to support the bill and I hope he will accept my apology. Thank you.

CONSENT CALENDAR

Rep. Ley moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 508, relative to direct primary care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. Although it is clear that Direct Primary Care is not a provision of health care that is paid through a traditional insurance product, it is not as clear what oversight is provided or can be provided by the Board of Medicine. Could the Insurance Department, which is geared for oversight responsibilities, still have a role to play? How does the Board of Medicine currently oversee these practices? Are there impacts of the provision of Direct Primary Care on the current market that need a closer look? These concerns will be considered by the study proposed here. Vote 14-1.

Amendment (1184h)

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

AN ACT establishing a committee to study direct primary care.

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

1 Committee Established. There is established a committee to study direct primary care.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.

I.(a) The committee shall study:

(1) How direct primary care is being offered and delivered in New Hampshire and in the United States.

(2) Whether direct primary care (DPC) is being regulated in other states and how it should be regulated in New Hampshire.

(3) How oversight of this segment of health care should occur and whether regular reporting should be required.

(4) The impact of DPC on the insurance market and health care coverage costs.

(b) The committee may solicit information from any person or entity the committee deems relevant to its study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

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

AMENDED ANALYSIS

This bill establishes a committee to study direct primary care.

HB 113, relative to qualifications for and exceptions from licensure for mental health practice. **OUGHT TO PASS.**

Rep. Carol McGuire for Executive Departments and Administration. This bill addresses the problem of mental health professionals (master licensed alcohol and drug counselors, social workers, mental health counselors, and marriage and family therapists) who wish to obtain a license in a second specialty and expand their ability to practice. Without affecting the educational requirements, this bill allows them to satisfy up to half the required 3,000 hours of supervised practice for a second specialty with the experience from their first profession. This bill is supported by the boards and regulated professions, with no opposition expressed. Vote 17-0.

HB 594-FN, establishing a committee to study the installation of rumble strips on state roads and highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Barry Faulkner for Public Works and Highways. Rumble strips are an important highway safety measure. The committee concluded that decisions regarding the design and location of these strips are better left to those with engineering expertise. We heard the concerns of neighbors about the lack of public input and the noise these strips create in some areas. These are concerns that the Department of Transportation is addressing through revised design and implementation guidelines. Vote 13-0.

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax. **OUGHT TO PASS.**

Rep. David Karrick for Ways and Means. This bill was filed at the request of the Insurance Department. The bill would include brokers' and other fees and assessments from foreign (non-New Hampshire) insurance companies in the calculation of the insurance premium tax. The revenue increase will be insignificant. Vote 20-0.

HB 407-FN, clarifying the non taxability of certain telecommunications devices and equipment. **OUGHT TO PASS.**

Rep. Thomas Southworth for Ways and Means. This bill clarifies that antennas shall not be taxable as real estate. Antennas are equipment that get removed from and added to poles, which are real estate. The only change to current law is the addition of "antennas" to the list of other devices and equipment that are not taxable as real estate. Vote 20-0.

HB 620-FN, relative to the penalty fee structure for late premium tax payments. **OUGHT TO PASS.**

Rep. Jerry Stringham for Ways and Means. This bill is a request of the Insurance Department to simplify the penalty fee for insurers when they pay their premium taxes late. Currently, such penalties vary widely, depending upon the type of insurer or the statute under which the premium tax is filed. The current method requires the computation of different penalty percentages based on those differences. The Insurance Department believes an established penalty fee schedule will improve operations in the department by simplifying the way penalty fees are calculated. This is a second committee bill and was unchanged by the Ways and Means Committee. The fiscal note indicates the revised late fee structure is anticipated to result in approximately \$140,000 less fees annually. Vote 20-0.

HB 625-FN, relative to an aquatic invasive species decal for boats. **OUGHT TO PASS.**

Rep. Lisa Bunker for Ways and Means. This bill creates an aquatic invasive species decal for power boats registered in states other than New Hampshire. The purpose is twofold: to make at least a small step toward adequate funding of a drastically underfunded program, and, more importantly in the committee's view, to reach a key population not yet addressed in any systematic way with a message about keeping New Hampshire's lakes free of invasive species. Out-of-state boaters would be able to register their boats for the sticker program on the spot using a smart phone. Of the \$20 fee, \$3 would be retained for administrative overhead, and the remaining \$17 would go to the Department of Environmental Service's Lake Restoration and Preservation Fund, which is used to pay for prevention (through the lake host program), remediation, and research. Vote 20-0.

REGULAR CALENDAR

HB 564, relative to possession of firearms in safe school zones. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sandy Swinburne for the Majority of Criminal Justice and Public Safety. This bill, as amended, restricts the carrying of firearms on school property to law enforcement officers, members of the armed services of the US or National Guard, and any person authorized in writing by the school board. The bill has already been passed once by the full House and complements federal law. The majority of the committee feels that the implementation of this bill is in the best interest of the students and teachers of our state. It is the majority opinion of the committee that firearms do not belong on school property, with the exception of trained personnel authorized by school administration. This bill is an important step toward safer schools. Vote 12-8.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. This bill creates the illusion of safety by attempting to remove firearms from schools and school grounds. The actual effect of the bill is the disarming of law-abiding citizens creating an even greater danger for the children that attend public schools. The bill prohibits carrying a self-defense firearm on school grounds and assigns a class A misdemeanor, including a penalty of up to a year in jail under RSA 625:9, IV(a). Numerous citizens testified against the bill as a clear violation of the bill of rights, both in the United States and the New Hampshire Constitutions. Testimony was also heard that single mothers who have had violent partners in the past and live in fear of another attack would be likely targets when walking their children to school because restraining orders have not been effective at keeping their partners away. Much of the testimony centered around the current paradigm where law-abiding citizens are allowed to carry firearms and any potential threat is not aware of who is on the property and their ability to respond in real time. The minority believes the bill would not make the schools any safer because criminals will ignore a law and a sign and only the law abiding will be affected.

Majority Amendment (1239h)

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

AN ACT relative to possession of firearms on school property.

Amend the bill by replacing section 1 with the following:

1 New Section; Possession of Firearms on School Property. Amend RSA 159 by inserting after section 159:19-a the following new section:

159:19-b Possession of a Firearm on School Property.

I. No person shall knowingly carry a firearm on public school property, including buildings, grounds, school buses, and vans. Any person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

II. This section shall not apply to:

(a) Any person picking up or dropping off a student, provided the firearm remains in a motor vehicle.

(b) Any person authorized in writing by the school board or duly authorized designee to possess a firearm. Such authorization shall specify the weapon or weapons that have been authorized, the purpose and scope of the authorization, and the time period for which the authorization applies.

(c) Any duly appointed law enforcement officer, properly trained school resource officer, or member of the armed services of the United States or National Guard when on duty.

AMENDED ANALYSIS

This bill prohibits carrying a firearm on school property.

On a division vote, with 212 members having voted in the affirmative, and 145 in the negative, the majority committee amendment was adopted.

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

Rep. Burt spoke against and yielded to questions.

Reps. Abbas and Notter spoke against.

Reps. Swinburne, Meuse and Luneau spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 213 - NAYS 159**YEAS - 213****BELKNAP**

Huot, David

CARROLL

Buco, Thomas
Kanzler, Harrison

Burroughs, Anita
Ticehurst, Susan

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Berch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

COOS

Hatch, William
Thomas, Yvonne

Laflamme, Larry

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

HILLSBOROUGH

Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Hamer, Heidi

Bouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Harriott-Gathright, Linda

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Heath, Mary

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher

Indruk, Greg
Komi, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schultz, Kristina
Wazir, Safiya

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Soucy, Timothy
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Wallner, Mary Jane
Wolf, Dan

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schuett, Dianne
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Vallone, Mark

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Warner, Anne

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Conley, Casey
Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

Merchant, Gary

O'Hearne, Andrew

Oxenham, Lee

NAYS - 159

BELKNAP

Aldrich, Glen
Howard, Raymond
Spanos, Peter
Varney, Peter

Bean, Harry
Jurius, Deanna
St. Clair, Charlie

Feeney, George
Mackie, Jonathan
Sylvia, Michael

Fields, Dennis
Plumer, John
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

COOS

Craig, Kevin
Tucker, Edith

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Barry, Richard
Burt, John
Fedolff, Jim
Gould, Linda
Hopper, Gary

Alexander, Joe
Belanger, James
Camarota, Linda
Flanagan, Jack
Graham, John
Jack, Martin

Griffin, Barbara
Boehm, Ralph
Danielson, David
Gagne, Larry
Greene, Bob
King, Mark

Baroody, Benjamin
Burns, Charles
Erf, Keith
Goley, Jeffrey
Hinch, Richard
L'Heureux, Robert

Ober, Lynne
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Lekas, Tony

Lascelles, Richard
 Nunez, Hershel
 Prout, Andrew
 Sanborn, Laurie
 Ulery, Jordan

Marzullo, JP
 Panasiti, Reed
 Ober, Russell
 Shaw, Barbara
 Warden, Mark

McLean, Mark
 Plett, Fred
 Renzullo, Andrew
 Somero, Paul
 Whittemore, James

MERRIMACK

Allard, James
 Kotowski, Frank
 Schamberg, Thomas

Hill, Gregory
 Marple, Richard
 Seaworth, Brian

Horn, Werner
 McGuire, Carol
 Turcotte, Alan

Klose, John
 Pearl, Howard
 Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Costable, Michael
 Desilets, Joel
 Edwards, Jess
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Lundgren, David
 McKinney, Betsy
 Owens, Becky
 Pratt, Kevin
 Spillane, James
 Verville, Kevin
 Yokela, Josh

Abrami, Patrick
 Barnes, Arthur
 Davis, Dan
 DeSimone, Debra
 Elliott, Robert
 Guthrie, Joseph
 Osborne, Jason
 Khan, Aboul
 Griffin, Mary
 McMahon, Charles
 Packard, Sherman
 Prudhomme-O'Brien, Katherine
 Sytek, John
 Wallace, Scott

Abramson, Max
 Bershtein, Alan
 Thomas, Douglas
 Dolan, Tom
 Fowler, William
 Harb, Robert
 Janigian, John
 Kolodziej, Walter
 Pearson, Mark
 Melvin, Charles
 Piemonte, Tony
 Roy, Terry
 Torosian, Peter
 Welch, David

Acton, Dennis
 Chirichiello, Brian
 DeClercq, Edward
 Doucette, Fred
 Gay, Betty
 Hobson, Deborah
 Janvrin, Jason
 Love, David
 Major, Norman
 Milz, David
 Potucek, John
 Pearson, Stephen
 True, Chris
 Weyler, Kenneth

STRAFFORD

Harrington, Michael
 McNally, Jody
 Wuelper, Kurt

Hayward, Peter
 Perreault, Mona

Horgan, James
 Pitre, Joseph

Kittredge, Mac
 Rooney, Abigail

SULLIVAN

Aron, Judy
 Rollins, Skip

Callum, John
 Stapleton, Walter

Laware, Thomas
 Smith, Steven

Lucas, Gates

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

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **HB 564**, relative to possession of firearms on school property, be printed in the Permanent Journal.

Without objection the Speaker ordered.

DEBATE ON HB 564

Speaker Shurtleff: The question before the House is the amendment on HB 564. The Chair recognizes Rep. Baldasaro for a parliamentary inquiry.

Rep. Baldasaro: Thank you, Mister Speaker. Mister Speaker, if I know that we are trying to fix something that's not broken here in New Hampshire, that our schools are very safe, would I now press the red button? Thank you.

Speaker Shurtleff: The question before the House is the amendment on HB 564. The Chair recognizes Rep. Myler for a parliamentary inquiry.

Rep. Myler: Thank you, Mister Speaker. If I know that the Education and Criminal Justice Committees listened for hours to testimony on this bill to meet the school safety standards for students and parents and educators. And, further if I know that the bill as it is being amended, allows parents, guardians, grandparents to drop off and pick up their charges at the school while keeping their loaded guns in the car. And, if I know that HB 564 allows school boards to identify school employees to carry guns to use in case of an active shooter as opposed to allowing anyone to walk in to the school with a loaded gun. And, if I know that when an unauthorized individual open carries on school grounds, the school protocol demands that the school shut down and shelter in place. And, finally Mister Speaker, if I know that the New Hampshire is only one of three states in the nation that does not have a school safety statute, would I now press the green button and support the amendment as proposed. Thank you.

Speaker Shurtleff: This is a division vote. The question before the House is the adoption of amendment (1239h). If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. Members will be in their seats until the vote is announced. Not that anyone would get up. With 212 members voting Yea and 145 voting Nay, the amendment is adopted. The question now before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Swinburne to speak in support of the recommendation.

Rep. Swinburne: Thank you again, Mister Speaker. Thank you Rep. Myler for saying pretty much what I was going to say. Speaking for the majority of the Criminal Justice and Public Safety Committee, we feel strongly that the implementation of this bill is in the best interest of the students and teachers of New Hampshire. It is our considered opinion that firearms do not belong in schools or on school property except when carried by trained personnel who are authorized by school administration.

Speaker Shurtleff: Will the member suspend for a moment? I apologize. Will members who want to talk please go out into the anteroom. The member has a right to be heard so if you have a conversation, please take it off the House floor. Thank you. The member may continue.

Rep. Swinburne: This bill also codifies the federal Gun Free Schools Act into New Hampshire law. Thank you.

Speaker Shurtleff: The Chair recognizes the member from Salem, Rep. Abbas to speak against the recommendation.

Rep. Abbas: Thank you, Mister Speaker. I am standing here today in opposition to HB 564. What HB 564 is doing is creating a crime, however, it's not doing anything to actually prevent a crime from happening. What has happened here, is this will create a Class A misdemeanor for anyone who brings a firearm on school property. The intention of this bill is to create safer environments in schools and to keep children safe, however the law would apply when the school is not in session. Anyone who is on school property for any event held by the town when the school is not in session would still be prosecuted under this statute. On top of that, some towns such as Salem have large vacant pieces of property that a lot of people don't know about that's owned by the school. I believe in Salem there is a lot of land that's 14.8 acres of land and is a wooded area. If you were to go on that property with a firearm you would be violating this RSA. So, you are prosecuting individuals who have no criminal intent who are law-abiding citizens. What I heard from testimony in my committee was that this particular bill would not prevent a mass shooting in schools. It's a sensitive subject and a subject that we all aware of, conscience of, but this will not stop that from happening. What this does is create a misdemeanor, a Class A misdemeanor offense for law-abiding citizens who go on school property. For example, if you go to a little league game that's held on school grounds or a fireworks show is held on school property. These would all be crimes. You are punishing people for a crime when a bill was not designed to apply to that situation or prosecute that individual. So, for that reason I would ask you to vote no and push that red button. Thank you.

Speaker Shurtleff: The question before the House is the adoption of the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Portsmouth, Rep. Meuse, to speak in support of the recommendation.

Rep. Meuse: Thank you, Mister Speaker. I rise today to speak in support of HB 564. One of the things that surprises many people who lead normal lives outside of our State House bubble, is that there is no penalty for bringing a firearm onto the grounds of our public schools. Last November, a group of parents in my district got three unwelcomed surprises. The first came when a third grader at Little Harbor Elementary School in Portsmouth turned in an ammunition clip, a clip that he found on school grounds. Apparently, that clip had fallen out of the pocket of a parent who was dropping a child off at school. Later that day came the second unwelcomed surprise. The unnamed parent was allowed to pick up the clip at the Portsmouth police department and no charges were filed. The third surprise was the one that really shocked them the most of all. That's when these people learned that here in New Hampshire it's perfectly legal to carry firearms and ammunition onto school property and right into the school itself. This bill would change that by making bringing a firearm onto school property a Class A misdemeanor with a maximum \$2,000 fine and one-year prison penalty. This is an appropriate penalty when you consider that there are provisions in the bill for school administrators to authorize exemptions not only to law enforcement officers, but also to people authorized by the school board or school administrators to carry a gun on school property. It's one thing to be authorized to carry on school property, but after incidents like Newtown, Columbine, Parkland and so many other incidents that have been burned into our brains over the past few years, it's a totally different thing to be able to wander around a school zone with a firearm even if you have the best of intentions. Going into lockdown for kids and for teachers is an absolutely terrifying experience. For almost all of them it's impossible to tell the difference between a gun-toting parent who is picking up the kids and a damaged person who's only goal is to pick off the kids. This bill addresses both in a reasonable way that creates sensible exemptions as well as a sensible penalty. With HB 564 in place would it place some sort of protective zone of invulnerability around our kids if we pass it? The answer is no it won't. Unfortunately, there is nothing we can do in this day and age that will ever offer complete protection in a society that seems to value the right to carry a gun over the responsibility to protect public safety. What this bill will do is offer one small rational realistic and helpful thing that we can do together to minimize the risk of the unthinkable happening in our state. Please press the green button to send this bill onto our friends in the Senate and to send a message that we are finally willing to do something to protect our kids other than sending them our thoughts and prayers. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Goffstown, Rep. Burt, to speak against the recommendation.

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, you know where I feel on this bill and I'm against this bill. We currently have teachers that carry. I do not want to strip them of that option because the crazy person out there that is going to commit these crimes are unaware of which teachers are carrying. That keeps our kids safe. I do wonder if we are going to eliminate the fire drills and the lockdown drills if this passes because with all the anxiety of the children we need to eliminate that.

Speaker Shurtleff: Will the member suspend for just a moment? I want to give people as much latitude as possible on their remarks. Just a reminder when you are talking about the penalty portion, the policy has already been voted on, but we want to keep as close to the penalty portion as possible. I thank the member.

Rep. Burt: Thank you, Mister Speaker. I heard in the past speech about fire drills and lockdowns, so I was just following the past speakers. Thank you, Mister Speaker. As I spoke in the past on this bill, and it was mentioned in the past speech about Parkland, Florida, after their school shooting, they are going to arm their teachers. So, under the penalties in this bill, I want to talk about that. I don't want to have to come back after somebody has been charged with these crimes that this bill will have for ignoring the gun-free zone sticker at the door like what happened at Dartmouth Hospital when the son came up from Rhode Island and killed his mother. Walked right by that sticker and that's what's going to happen in New Hampshire. If this passes, somebody is going to ignore the crime of passing right by that sticker, they are going to go in and they are going to start shooting kids. I don't want that. I don't want us as a House to have to come back in a couple of years, hopefully never, because I pray that that never happens, but it's going to happen if this passes. So, what's going to happen is that we are going to be just like Florida and we are going to say okay we had these penalties and these crimes against the crazy person that went into the school and darn it didn't work. Now we have dead teachers and kids. So now maybe we better start thinking about arming our teachers. I say why ruin what we have now? We are one of the safest states in the nation. This is not needed. I also understand that the school board, I am almost positive that the school board association spoke against this. I was pretty surprised when they did that to be honest but I'm happy that they did. I was shocked. They understand reality. These penalties and these crimes are not going to stop a bad person from going in. What is going to stop a bad person from going in is them not knowing which teachers that are currently carrying. I had a teacher call me and he said he is a gun owner, but he was confused on the bill because he said he was against the bill, so I explained what the bill was and now he supports the bill because he doesn't want guns in schools. He said he has three teachers that he knows right now, and I said what will happen is that if one of those teachers carry there are penalties in here that's going to punish them for doing that, to protect children in their way of what they want. So, Mister Speaker, when I was talking to him he said that none of those teachers are carrying and I said how do you know that. Well, they told me. I said well are you sure, are you searching them every day? He said no. I said so how do you know when a madman comes in and is going to break these laws and break the law with that little sticker? He said well I don't know. I said exactly. We had a nice conversation and it was one of the few calls I get where the guy is not swearing at me. So, I am carrying on with him and he goes well I just don't want guns. I said I would prefer it not too, but bottom line that is what is going to save our children. So, Mister Speaker I do request a roll call on this and I hope everybody really realizes that if this passes and I pray I am wrong that we have to come back in ten years or fifteen or five years or even two years, but there is going to be a school shooting. We are going to have to think about what we have done here when there are dead teachers and dead children because I don't want teachers to throw their unarmed bodies onto a student to protect them like down in Parkland, Florida and I don't want to come back here and fix this so please vote red. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? Before I ask the first questioner to come forward I want to clarify something I told the member from Hudson who asked me a question on a sidebar. He asked about the amendment that is now before us and that amendment does have certain things it talks about such as pick up and dropping off of children, the school boards being able to make exemptions. That goes to some of the things that cross the line from penalty into policy and those are open for debate and discussion. I want to be clear to everybody that that is perfectly acceptable. Rep. Ulery is recognized.

Rep. Ulery: Thank you, Mister Speaker. I thank the member for taking my question. Regarding laws in general, is it true that laws either authorize the expenditure of public funds or authorize punishment for an act, but don't prevent anything?

Rep. Burt: That is 100% correct.

Speaker Shurtleff: Will the member yield to another question? Rep. Baldasaro, you are recognized for a question.

Rep. Baldasaro: Thank you, Mister Speaker. Thank you, Representative, for taking my question. Looking at the FBI statistics and the gun shootings throughout the country, do you know of any criminals that walked up to those schools and seen a no gun zone or a sticker on the door that walked away?

Rep. Burt: The only ones I have ever seen is in a cartoon and the reality is no.

Speaker Shurtleff: Will the member yield to a follow up question? You may inquire.

Rep. Baldasaro: Thank you, Mister Speaker. Representative, this is where I am concerned. Earlier I heard a Representative over here to my right state that the federal, this is in compliance with federal law. Isn't it true that federal law, if you have a gun permit, you are allowed to be on school grounds or the school?

Rep. Burt: That also would be correct.

Speaker Shurtleff: Will the member yield to another question? Rep. Aldrich, you may inquire.

Rep. Aldrich: Thank you, Mister Speaker. Thank you, Representative, for taking my question. Do you agree with me that all gun control laws are unconstitutional?

Rep. Burt: Again, 100% correct.

Speaker Shurtleff: Will the member yield to another question? Rep. Abbas, you may inquire.

Rep. Abbas: Thank you, Mister Speaker. Do you believe this bill would stop schools from going into lockdown?

Rep. Burt: Well, from past testimony here and how the kids are traumatized over this, I hope it does, but I don't think it will.

Speaker Shurtleff: Follow up question? You may inquire.

Rep. Abbas: Thank you, Mister Speaker. Thank you for taking my question. Will this prevent schools from going into lockdown for drill purposes?

Rep. Burt: No, it will not.

Speaker Shurtleff: Will the member yield to another question? Rep. Cordelli, you may inquire.

Rep. Cordelli: Thank you, Mister Speaker. Thank you, Representative. It seems to me I heard a fellow speaker indicate that this will codify federal gun free zone statute into New Hampshire law, but it is my understanding that the federal law creates a 1,000-foot perimeter around school property. If that is true, maybe you can clarify that for me, but aren't we creating another buffer zone around school property and anyplace where students might be such as a class trip to the State House and that might ensnare law-abiding citizens?

Rep. Burt: It would snare them right in because they would be breaking, because if we went with the federal it is a 1,000-foot buffer zone.

Speaker Shurtleff: Will the member yield to our last questioner? Rep. Harrington. Sorry, our next to the last.

Rep. Harrington: Thank you, Mister Speaker. Thank you, Representative, for taking my question. It seems that the premise of this law is that putting up signs and having a penalty of a year in jail and a fine is going to prevent people from going into schools and shooting children and teachers. So, if that is true, then these people that go in there are facing life in prison without parole. My first question I guess would be is that then this one year in jail going to stop someone whose facing life in prison without parole from going forward with the acts and two, if it does, why don't we just post the whole state as a crime free zone and we can get rid of all the police and save a lot of money?

Rep. Burt: Well, that would work for me, but yes you are correct. The sick individual that is willing to go into a gun free zone, a school, and shoot teachers and students that are unarmed, the teachers. They are a sick individual and they are just going to continue their tragedy that they are going to cause. The sticker is not going to stop them and the \$1,000 fine that's in the penalty is not going to stop them.

Speaker Shurtleff: Will the member yield to another question? Rep. McNally, you may inquire.

Rep. McNally: Thank you, Mister Speaker. Thank you for taking my question. I just want to preface my question with this is my first time up here. My question is, as a retired elementary school teacher and the wife of a retired 22-year plus veteran marine I use to have a gun in my desk loaded when I taught school.

Speaker Shurtleff: Will the member suspend? Not to diminish what the member is telling us, but this is really just for a question. Thank you. You may proceed.

Rep. McNally: Thank you. So, to finish my question. Would I still be allowed if I was still active duty teaching to be able to have my gun because when they are in my classroom they are my kids just like my own flesh and blood and I'm not going to wait for the cops to show up to defend them?

Rep. Burt: That's an excellent question and thank you very much because I did not cover that part. This bill will not allow you unless the school board authorizes you and we heard from several school board and past school board members and there has been plenty of articles from Hanover and etc., other towns, that they are going to pass the no gun zone, you know gun free zone. To get a school board to approve of that, I don't see it because most school board members are sadly antigun. Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Merrimack, Rep. Notter to speak against the recommendation.

Rep. Notter: Thank you, Mister Speaker. I stand in opposition to the committee report of Ought to Pass on HB 564. As a member of the National Rifle Association and the Women's Defense League, a gun owner and an ardent supporter of the 2nd Amendment, I argue that this bill criminalizes law-abiding citizens. This bill is a declaration that children will be sitting in a defenseless zone without anyone to protect them against a psychopathic murderer. Crime prevention research center reported that 98.4% of mass shootings occurred in a gun free zone which is 1.6% occurring where citizens are allowed to be armed. There have been no school shootings in the Granite State to date because we are one of the safest states in the country. Why would you want to jeopardize our safety record and make it a crime for someone to carry for safety?

Speaker Shurtleff: Will the member suspend for a moment? I gave a little leeway on the first three paragraphs, but I think you know what I am going to say. It's got to be more to what is in this amendment, so you may proceed.

Rep. Notter: I apologize, Mister Speaker. Citizens Count sent us an email yesterday that states when they posted the following question, should New Hampshire prohibit guns in all safe school zone? They received opinions from 349 Granite State citizens. Of those, 311 were against the statewide ban on guns at schools with 25 people in favor and 13 undecideds. We all want our children to be safe. This legislation will only make Granite State children less safe and again, criminalize the law-abiding ability to fight back. I was going to wear a green jacket today and say pay no attention to the color of my jacket, but I changed my mind and went with pink, so vote no, red button.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the last speaker, Rep. Luneau, the member from Hopkinton.

Rep. Luneau: Thank you very much, Mister Speaker. I'm here to speak in support of the Criminal Justice and Public Safety Committee report of Ought to Pass as Amended. HB 564 was first heard in the Education Committee. We heard concerns about how the bill is introduced could potentially create an unsafe situation if a parent dropping off students had to unload a firearm in the proximity of school property, so we fixed that with a committee amendment. People dropping off or picking up students do not need to unload and secure a firearm as long as the firearm remains in the vehicle. And, when HB 564 came to the floor last month we heard concerns about the definition of safe school zones as being too broad. So, working with the bill sponsors, we fixed that too. That's what the committee amendment does. So now it's clear that the bill applies to only school property, including school buildings, school grounds and school busses. And local control is important. In addition to law enforcement officers and active military, the school board can authorize certain individuals to possess a firearm on school property, not just anybody walking through the front door. The identity of those individuals authorized by the school board are protected under the existing 91-A laws. HB 564 is a product of the legislative process, public hearings and concerns aired on the House floor. It's good legislation. Please vote yes on the committee report of Ought to Pass as Amended. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The question before the House is the recommendation that the bill Ought to Pass as Amended. Rep. Burt has requested a roll call vote. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Rice for a parliamentary inquiry.

Rep. Rice: Thank you, Mister Speaker. Mister Speaker, if I know that a sign stating this school is a gun free zone will do nothing to deter a criminal from doing harm to our children. And, Mister Speaker, if I know this bill has many unintended consequences that would make otherwise law-abiding citizens criminals. And, lastly, if I know that a sticker or sign will only offer a false sense of security to our children, would I now press the red button? Thank you.

Speaker Shurtleff: Just a reminder to members to make sure that their voting stations are on. The Chair recognizes Rep. Myler for a parliamentary inquiry.

Rep. Myler: Thank you, Mister Speaker. If I know that the Education and Criminal Justice Committee listened carefully to hours of testimony and developed HB 564 to meet the school safety needs of students, parents and educators. And, if I know that HB 564 allows parents, grandparents, guardians to drop their students off and pick them up at school while keeping their loaded firearm in their vehicle. And, if I know that HB 564 allows a local school board to identify school employees to carry a weapon to use in case of a shooter incident as opposed to allow anyone to walk through the school door with a loaded gun. And, if I know that when an unauthorized individual open carries on the school grounds, that the school protocol demands, demands the school to lockdown and stand in place. And, finally Mister Speaker, if I know that the State of New Hampshire is only one of three states in this nation that does not have a school safety statute on the books, would I now press the green button and support the recommendation of the Education and the Criminal Justice Committee? Thank you very much, Mister Speaker.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass as Amended. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 213 members voting Yea and 159 voting Nay, the recommendation is adopted. The House will be in order. There will be no public displays.

REGULAR CALENDAR CONT'D

HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Julie Radhakrishnan for the Majority of Criminal Justice and Public Safety. The current structure of fines is not a deterrent to the misuse of OHRV's. In fact, when law enforcement officers fine people for the misuse of vehicles, there is often a request for a selfie by the fining officer. At the hearing there were no objections to

increasing fines. We hope that an increase in fines will act as a deterrent to the misuse of OHRV's. Vote 18-2. Rep. John Burt for the Minority of Criminal Justice and Public Safety. The minority knows this bill only allows the state to collect more money. This bill does not help the land owner with cost for damages as there was testimony that many of these fines happen once an OHRV or snowmobile does damage to private property. The state should not profit from private property damage done by an OHRV or snowmobile.

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

Reps. Flanagan and Burt spoke against and yielded to questions.

Rep. Moynihan spoke in favor.

Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 292 - NAYS 81

YEAS - 292

BELKNAP

Bean, Harry
Jurius, Deanna

Feeney, George
Plumer, John

Fields, Dennis
St. Clair, Charlie

Huot, David
Tilton, Franklin

CARROLL

Buco, Thomas
DesMarais, Edith
Marsh, William

Burroughs, Anita
Kanzler, Harrison
Ticehurst, Susan

Butler, Edward
Knirk, Jerry
Woodcock, Stephen

Crawford, Karel
MacDonald, John

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Berch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William

COOS

Fothergill, John
Moynihan, Wayne

Hatch, William
Noel, Henry

Laflamme, Larry
Tucker, Edith

Merner, Troy
Thomas, Yvonne

GRAFTON

Abel, Richard
Diggs, Francesca
Ford, Susan
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Adjutant, Joshua
Dontonville, Roger
French, Elaine
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

Almy, Susan
Egan, Timothy
Hennessey, Erin
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Campion, Polly
Fellows, Sallie
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

HILLSBOROUGH

Alexander, Joe
Backus, Robert
Bergeron, Paul
Bosman, James
Cohen, Bruce
Dargie, Paul
Erf, Keith
Freitas, Mary
Graham, John
Heath, Mary
Jack, Martin
Klein-Knight, Nicole
Lascelles, Richard
Mangipudi, Latha
Murphy, Nancy
Pedersen, Michael
Plett, Fred
Radhakrishnan, Julie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Bouldin, Amanda
Balch, Chris
Bernet, Jennifer
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Espitia, Manny
Gagne, Larry
Griffith, Willis
Herbert, Christopher
Jeudy, Jean
Komi, Richard
Leishman, Peter
Martin, Joelle
Notter, Jeanine
Petrigno, Peter
Porter, Marjorie
Riel, Cole
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Bouldin, Andrew
Baroody, Benjamin
Boehm, Ralph
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Davis, Fred
Goley, Jeffrey
Hamer, Heidi
Hinch, Richard
King, Mark
L'Heureux, Robert
Long, Patrick
Mombourquette, Donna
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Griffin, Barbara
Beaulieu, Jane
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Fedolli, Jim
Gould, Linda
Harriott-Gathright, Linda
Indruk, Greg
Klee, Patricia
Langley, Diane
Murray, Megan
Mullen, Sue
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

MERRIMACK

Allard, James
Ebel, Karen

Bartlett, Christy
Ellison, Arthur

Carson, Clyde
Fox, Samantha

Doherty, David
Fulweiler, Joyce

Horn, Werner
Lane, Connie
McWilliams, Rebecca
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Karrick, David
Luneau, David
Moffett, Howard
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Klose, John
MacKay, James
Myler, Mel
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Wolf, Dan

Kotowski, Frank
McGuire, Carol
Pearl, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth
Woods, Gary

ROCKINGHAM

Abbas, Daryl
Barnes, Arthur
Cahill, Michael
DiLorenzo, Charlotte
Edwards, Jess
Gilman, Julie
Harb, Robert
Murray, Kate
Love, David
Pearson, Mark
McBeath, Rebecca
Milz, David
Pratt, Kevin
Somssich, Peter
Ward, Gerald

Abrami, Patrick
Berrien, Skip
Cali-Pitts, Jacqueline
Dolan, Tom
Eisner, Mary
Grossman, Gaby
Hobson, Deborah
Katsakiores, Phyllis
Lovejoy, Patricia
Maggiore, Jim
McConnell, Liz
Owens, Becky
Prudhomme-O'Brien, Katherine
Sytek, John
Warner, Anne

Altschiller, Debra
Bunker, Lisa
Cushing, Robert Renny
Doucette, Fred
Elliott, Robert
Grote, Jaci
Hoelzel, Kathleen
Le, Tamara
Lundgren, David
Major, Norman
McMahon, Charles
Packard, Sherman
Read, Ellen
True, Chris
Welch, David

Baldasaro, Al
Bushway, Patricia
DeClercq, Edward
Edgar, Michael
Gay, Betty
Guthrie, Joseph
Janigian, John
Loughman, Tom
Griffin, Mary
Malloy, Dennis
Meuse, David
Pantelakos, Laura
Pearson, Stephen
Vallone, Mark

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Horrigan, Timothy
Smith, Marjorie
Rich, Cecilia
Southworth, Thomas
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Keans, Sandra
Opderbecke, Linn
Rooney, Abigail
Spang, Judith
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Hayward, Peter
Kenney, Cam
Schmidt, Peter
Salloway, Jeffrey
Towne, Matthew
Wuelper, Kurt

Conley, Casey
Frost, Sherry
Horgan, James
Levesque, Cassandra
Pitre, Joseph
Sandler, Catt
Treleaven, Susan

STRAFFORD

Cloutier, John
Oxenham, Lee

Laware, Thomas
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew

SULLIVAN

NAYS - 81

BELKNAP

Aldrich, Glen
Spanos, Peter

Comtois, Barbara
Sylvia, Michael

Howard, Raymond
Varney, Peter

Mackie, Jonathan

CARROLL

Avellani, Lino

Comeau, Ed

Cordelli, Glenn

Nelson, Bill

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

GRAFTON

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Burt, John
Greene, Bob
McLean, Mark
Prout, Andrew
Sanborn, Laurie
Warden, Mark

Barry, Richard
Camarota, Linda
Hopper, Gary
Nunez, Hershel
Ober, Russell
Somero, Paul
Whittemore, James

Belanger, James
Danielson, David
Ober, Lynne
Panasiti, Reed
Renzullo, Andrew
Lekas, Tony

Burns, Charles
Flanagan, Jack
Marzullo, JP
Proulx, Mark
Rice, Kimberly
Ulry, Jordan

MERRIMACK

Hill, Gregory

Marple, Richard

Seaworth, Brian

Yakubovich, Michael

ROCKINGHAM

Abramson, Max
Costable, Michael

Acton, Dennis
Davis, Dan

Bershtein, Alan
Thomas, Douglas

Chirichiello, Brian
Desilets, Joel

DeSimone, Debra
Janvrin, Jason
Melvin, Charles
Torosian, Peter
Yokela, Josh

Fowler, William
Khan, Aboul
Piemonte, Tony
Verville, Kevin

Green, Dennis
Kolodziej, Walter
Potucek, John
Wallace, Scott

Osborne, Jason
McKinney, Betsy
Roy, Terry
Weyler, Kenneth

STRAFFORD

Harrington, Michael

Kittredge, Mac

McNally, Jody

Perreault, Mona

SULLIVAN

Aron, Judy
Smith, Steven

Callum, John

Lucas, Gates

Rollins, Skip

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

HB 696-FN, establishing a protective order for vulnerable adults. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert Renny Cushing for the Majority of Criminal Justice and Public Safety. This bill establishes a procedure to enable vulnerable adults to seek temporary and permanent relief from abuse, exploitation, and neglect. The bill is important and necessary because our criminal statutes do not provide adequate protection for our state's most vulnerable citizens; too often, by the time abuse, neglect, or exploitation can be proven, assets are long gone or the vulnerable adult has been subjected to unsafe conditions for far too long. Language in the bill is modeled on RSA 173-B Protection of Persons From Domestic Violence, which has been in place for 20 years, has withstood constitutional challenges, and has been an effective tool for stopping and preventing future abuse. Providing vulnerable adults with a similar tool will allow them access to a user-friendly and affordable method to obtain civil remedies. Contrary to claims by some, the purpose of the bill is not to confiscate weapons. As compared to RSA 173-B, relinquishment of firearms is not mandatory, but would take place only if an order of the court "makes a specific finding that it is necessary for the protection of a plaintiff." The majority recognizes that vulnerable adults may face the same risk of harm by a defendant as a victim of domestic violence and believes a vulnerable adult should be afforded the same ability to seek protection from the court. The penalties in this bill are similar to those in RSA 173-B, which the majority finds to be consistent and just. The bill has the support of the NH Attorney General's Office, AARP-New Hampshire, the Alzheimer's Association, the New Hampshire Bankers Association, the NH Chapter of the National Academy of Elder Law Attorneys and the Disabilities Rights Center-NH. The majority recommends ought to pass to send a clear message that in New Hampshire we will protect our vulnerable citizens from those who would abuse, exploit, and neglect them. Vote 12-8.

Rep. John Burt for the Minority of Criminal Justice and Public Safety. This bill claims to add additional protections for elders and venerable adults. The language was lifted from some of the domestic violence statutes and includes some of the same due process violations that are present in that section of law. The criminal justice system is based on the innocent until proven guilty model, yet this bill creates several loopholes to the basic principles of American jurisprudence. The bill allows for ex-parte hearings, telephonic orders and the seizing of firearms without the defendant even being aware of the accusations that have been made. The bill as drafted violates numerous articles of the New Hampshire Constitution, including Article 2 the right to, "The enjoying and defending life and liberty; acquiring, possessing, and protecting, property;" Article 2-a, "Right to keep and bear arms in defense of themselves, their families, their property and the state;" Article 3 regarding the organization of society; Article 15, the rights of the accused; Article 20, the right to a jury trial, "In all controversies concerning property, and in all suits between two or more persons except those in which another practice is and has been customary and except those in which the value in controversy does not exceed \$1,500 and no title to real estate is involved, the parties have a right to a trial by jury." The bill allows for the taking of cars, homes and even pets in addition to firearms. The initial committee for the bill was Health and Human Services and those testifying pointed out that there are gaping holes in the civil legal procedures that need a thorough vetting by the Judiciary committee. The minority of the committee saw that the bill was unworkable in the current state and should either be retained or found inexpedient to legislate.

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

Reps. Burt and Abbas spoke against and yielded to questions.

Rep. Cushing spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Welch moved that **HB 696-FN**, establishing a protective order for vulnerable adults, be laid on the table. On a division vote, with 164 members having voted in the affirmative, and 211 in the negative, the motion failed.

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

Rep. Cushing requested a roll call; sufficiently seconded.

YEAS 219 - NAYS 156**YEAS - 219
BELKNAP**

Huot, David

St. Clair, Charlie

CARROLLBurroughs, Anita
Knirk, JerryButler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen

Kanzler, Harrison

CHESHIREAbbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Thompson, CraigAmes, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, SparkyBerch, Paul
Fenton, Donovan
Mann, John
Swinburne, Sandy
Pearson, WilliamBordenet, John
Gomarlo, Jennie
Meador, David
Tatro, Bruce
Weber, Lucy**COOS**Fothergill, John
Noel, HenryHatch, William
Tucker, EdithLaflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

GRAFTONAbel, Richard
Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, SuzanneAdjutant, Joshua
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, GeorgeAlmy, Susan
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, JoyceCampion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry**HILLSBOROUGH**Bouldin, Amanda
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, MatthewBouldin, Andrew
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Harriott-Gathright, Linda
Jack, Martin
Komi, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, KermitBackus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Heath, Mary
Jeudy, Jean
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, DavidBalch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy**MERRIMACK**Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Walz, Mary Beth
Woods, GaryCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Wazir, SafiyaDoherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wells, KennethEbel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Wallner, Mary Jane
Wolf, Dan**ROCKINGHAM**Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Pantelakos, Laura
Warner, AnneBerrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Read, EllenBunker, Lisa
Cushing, Robert Renny
Gay, Betty
Murray, Kate
Maggiore, Jim
McMahon, Charles
Somssich, PeterBushway, Patricia
DiLorenzo, Charlotte
Gilman, Julie
Le, Tamara
Malloy, Dennis
Meuse, David
Ward, Gerald

STRAFFORD

Bixby, Peter	Cannon, Gerri	Chase, Wendy	Conley, Casey
Ellis, Donna	Fargo, Kristina	Fontneau, Timothy	Frost, Sherry
Gourgue, Amanda	Grassie, Chuck	Horrigan, Timothy	Keans, Sandra
Kenney, Cam	Levesque, Cassandra	Smith, Marjorie	Opderbecke, Linn
Schmidt, Peter	Rich, Cecilia	Salloway, Jeffrey	Sandler, Catt
Southworth, Thomas	Spang, Judith	Towne, Matthew	Treleaven, Susan
Vincent, Kenneth	Wall, Janet		

SULLIVAN

Cloutier, John	Merchant, Gary	O'Hearne, Andrew	Oxenham, Lee
Sullivan, Brian			

NAYS - 156**BELKNAP**

Aldrich, Glen	Bean, Harry	Comtois, Barbara	Feeney, George
Fields, Dennis	Howard, Raymond	Jurios, Deanna	Mackie, Jonathan
Plumer, John	Spanos, Peter	Sylvia, Michael	Tilton, Franklin
Varney, Peter			

CARROLL

Avellani, Lino	Buco, Thomas	Comeau, Ed	Cordelli, Glenn
Crawford, Karel	MacDonald, John	Marsh, William	Nelson, Bill

CHESHIRE

Hunt, John	O'Day, John	Parkhurst, Henry
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COOS

Craig, Kevin	Furbush, Michael	Merner, Troy
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GRAFTON

Hennessey, Erin	Ladd, Rick	Migliore, Vincent Paul
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HILLSBOROUGH

Lekas, Alicia	Alexander, Joe	Griffin, Barbara	Baroody, Benjamin
Barry, Richard	Belanger, James	Boehm, Ralph	Burns, Charles
Burt, John	Camarota, Linda	Danielson, David	Erf, Keith
Fedolfi, Jim	Flanagan, Jack	Gagne, Larry	Goley, Jeffrey
Gould, Linda	Graham, John	Greene, Bob	Hinch, Richard
Hopper, Gary	King, Mark	L'Heureux, Robert	Ober, Lynne
Lascelles, Richard	Marzullo, JP	McLean, Mark	Notter, Jeanine
Nunez, Hershel	Panasiti, Reed	Plett, Fred	Proulx, Mark
Prout, Andrew	Ober, Russell	Renzullo, Andrew	Rice, Kimberly
Sanborn, Laurie	Somero, Paul	Lekas, Tony	Ulery, Jordan
Warden, Mark	Whittemore, James		

MERRIMACK

Allard, James	Hill, Gregory	Horn, Werner	Klose, John
Kotowski, Frank	Marple, Richard	McGuire, Carol	Pearl, Howard
Seaworth, Brian	Turcotte, Alan	Yakubovich, Michael	

ROCKINGHAM

Abbas, Daryl	Abrami, Patrick	Abramson, Max	Acton, Dennis
Baldasaro, Al	Barnes, Arthur	Bershtein, Alan	Chirichiello, Brian
Costable, Michael	Davis, Dan	Thomas, Douglas	DeClercq, Edward
Desilets, Joel	DeSimone, Debra	Dolan, Tom	Doucette, Fred
Edwards, Jess	Elliott, Robert	Fowler, William	Green, Dennis
Guthrie, Joseph	Harb, Robert	Hobson, Deborah	Hoelzel, Kathleen
Osborne, Jason	Janigian, John	Janvrin, Jason	Katsakiores, Phyllis
Khan, Aboul	Kolodziej, Walter	Love, David	Lundgren, David
Griffin, Mary	Pearson, Mark	Major, Norman	McBride, Everett
McKinney, Betsy	Melvin, Charles	Milz, David	Owens, Becky
Packard, Sherman	Piemonte, Tony	Potucek, John	Pratt, Kevin
Prudhomme-O'Brien, Katherine	Roy, Terry	Pearson, Stephen	Spillane, James
Sytek, John	Torosian, Peter	True, Chris	Vallone, Mark
Verville, Kevin	Wallace, Scott	Welch, David	Weyler, Kenneth
Yokela, Josh			

STRAFFORD

Harrington, Michael	Hayward, Peter	Horgan, James	Kittredge, Mac
McNally, Jody	Perreault, Mona	Pitre, Joseph	Rooney, Abigail
Wuelper, Kurt			

SULLIVAN

Aron, Judy
Rollins, Skip

Callum, John
Stapleton, Walter

Laware, Thomas
Smith, Steven

Lucas, Gates

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

Rep. Gay voted Yea and intended to vote Nay.

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **HB 696-FN**, establishing a protective order for vulnerable adults, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 696-FN

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, I am speaking against HB 696 for several reasons. The first, current laws that we currently have will protect the elderly. This virtually adds nothing because we already have current laws. That's what was in testimony during the hearings. The other is this is very close and we, the Criminal Justice Committee, retained HB 687, which is the red flag law. This is real close to the red flag law, that's why I oppose it. The other is, during testimony I heard a lot about finances. That's what we are trying to protect, protect the elderly from finance abuse and that is mentioned five times, that's it, five times it's mentioned in the bill. Removing of firearms is mentioned 22 times. So, what does that do? It makes this an anti-gun bill. I want to go to page 6 of the bill and its lines 5 and 6. It's section 6. So, on page 6, line 3, it says, "The court makes a specific finding that it is necessary for the protection of the plaintiff, the court may issue an order directing the defendant to relinquish to a police officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant." What does that mean? I've asked this question, and nobody can answer it, is the "any other person." So, the way we're taking it, is let's say Bob gets a restraining order against him, but he is friends with Frank down the street. Because of that relationship, they could go down and get Franks' guns too. We don't want to go down that path. So, Mister Speaker, I hope that everybody will vote red on this because this is a bad bill. It is an anti-gun bill and I do not support it. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? Rep. Harrington, you may inquire.

Rep. Harrington: Thank you, Mister Speaker. Thank you, Representative, for taking my question. This bill allows for a court order to have the police come in and confiscate somebody's guns if certain conditions are met. Now, as of yet, we don't have gun registration in New Hampshire, the police would have no way of knowing how many guns a person owned. So, in order to do their duty and to enforce that court order, is there any way that they would not have to go in and literally tear that house apart, dumping out all the drawers, going through clothing, kitchen cabinets, tearing up furniture, and anyplace a gun could be possibly be held? They would have to take apart, disassemble and inspect and then simply leave, whether they found any more guns or not, in that state and the homeowner would have to be responsible for having to repair their house. Is that correct?

Rep. Burt: Yes, that is correct because the police would have to come in because if a gun was left behind with this warrant, I would assume they would be held liable. So, the answer is yes.

Speaker Shurtleff: Will the member yield to another question? Rep. Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Mister Speaker. Thank you, Representative. Representative, dealing with this here in the past with past family members that were taking care of elderly, one member was jealous of the other one that was being paid and false accusations were made. How does this bill, and I know this happened a couple of different incidents, how does this bill protect those people from the many false accusations that siblings have over taking care of elderly?

Rep. Burt: Thank you for that question. That also was brought up and what will happen is if you lie about a member like down in Maryland a sister lied about a brother and he ended up being killed by police over this because he wasn't going to give his guns up. Here in New Hampshire, if this passes, is a misdemeanor only, that's it. Just a misdemeanor if you lie so in my eyes there is no real fine. It should be a felony or even more if they lie.

Speaker Shurtleff: The question before the House. Is there a question? Will the member yield to another question? The member is recognized.

Rep. Hopper: Thank you, Mister Speaker. Thank you, Representative, for taking my question. So, if somebody files a false report and they take somebody's guns, do you know of any instance in New Hampshire where somebody filing a false report has actually been charged with filing a false report because that's one of the deterrents and we just spent a whole bill before making sure that fines were relevant to deterrents? Is it a deterrent if they are not enforcing the law?

Rep. Burt: It is not a deterrent because they say it's hard to prove even if the person admits it. Once they get into court they will plead not guilty and it's really hard to prove that the intent was that they lied even if they say they lied. So, it's hard to do.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes the member from Salem, Rep. Abbas, to speak against the recommendation.

Rep. Abbas: Thank you, Mister Speaker. I rise today in opposition to HB 696 and I will try not to be repetitive as the speaker, the Representative before me. One of the issues with particular bill, HB 696, is that the court is not going to be required to follow the traditional rules of evidence. The only standard that the court will be held to would be material evidence and relevant evidence. Now, that almost means the same thing. Material is just a slightly narrower version of that. There is no requirement that the reliability of the evidence be evaluated by the court, which is something that is heavily followed in the rules of evidence. On top of that, the burden of proof is by a preponderance of the evidence and from model jury instructions out of New Hampshire, the language used more likely than not or probable. Now, that language may sound familiar if people recall what the Wells Report was. That was the infamous report that found Deflategate and accused Tom Brady of the scheme of deflating footballs. The reason why I am referencing that is that when you don't follow the rules of evidence, and don't rely on reliable information and you don't follow the traditional process of fact finding and you then apply the lowest burden of proof possible, you can reach a conclusion where someone completely ignores science and the ideal gas laws. That's the danger of not following or relying on reliably evidence. You also heard something about the any other person, meaning this order could apply not only to a defendant, but it could apply to a third party. Now, the concern with the third party is that they are not even named in the order as a party of interest and they are being required to surrender their property or their firearms when they may not have done anything wrong. So, that person would have to then implead themselves into this actual civil hearing. Now, another issue with this bill is that if the order were to expire, because the plaintiff didn't request that it be extended, the order that would require the defendant to surrender their property or even the third party, they are not guaranteed to have their property returned to them. That defendant or that third party perhaps would have to go and there is a limited timeframe. They would have to go into the court and file a motion to actually get a specific order for their own property to be returned when the authority requiring them to surrender their property is no longer in effect. One of the most concerning parts of this bill and it was on the very last page, page 12, it actually would allow any protective order, abuse order, from any other state to apply to New Hampshire. To me, what we are doing is we're sacrificing New Hampshire sovereignty for an order that can come from California or Washington, New York, wherever. So, in that sense, there is no way to measure that, not no way, but it hasn't been measured whether that order would be constitutional in our state. So, I find that to be concerning that someone can get a court order from another state and then try to, it would apply to New Hampshire in regard to surrendering of property because the intent of this bill is to protect a vulnerable person who is unable to manage their home, their finances or personal affairs. What happened is, this bill put in a lot of reason, what I would argue unnecessary issues involving the 2nd Amendment, Article 2-A, but also the 4th Amendment and due process and their right to property. I understand that when we look at this and we evaluate how we want to vote on this issue a lot of us can see the firearm issue as one part of this, but if you look past that portion of the bill and look at it as a property perspective, there is a situation where someone, a citizen or resident of this state will have to surrender their property without having an evidentiary hearing, without, they don't even actually have to be guaranteed a hearing. What happens is, what the order issues, the defendant then has to request a hearing. So, people are being, their property rights is an issue that I would raise that is something we should be very concerned with because it expands beyond firearms. So, you hear a lot of people discussing different types of theft and I would say the government taking someone's property without giving them a trial is theft as well. Thank you.

Speaker Shurtleff: Will the member yield to a question? Rep. Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Mister Speaker. Thank you, Representative, for taking my question. While I was sitting there, and another member came up to me and a bell rang off when we were talking about Amendment 5 in the constitution, which reads, "Nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Well that's public use on that end. My question is isn't this going against, I'm not a lawyer, I know you are. Isn't this Amendment 5 issue here in the constitution?

Rep. Abbas: Thank you. I try not to offer free legal advice if I can avoid it, but we will talk after. In my opinion I believe that this is a violation of the federal constitution in regard to due process, but also the state level and I believe also, I want to say Article 20 has a provision that says if individuals denied of their property and its valued over \$1,500 in that circumstance, that person is actually guaranteed a trial by jury. That's actually not listed anywhere in HB 696. You know, I see a lot of issues with HB 696 and its very parallel to that, HB 687, which was the other red flag house bill that we had, and that bill was retained and this one, we had a committee hearing on last Tuesday. We had the executive session on Wednesday and now we are voting on it today, so I don't believe we had a fair opportunity to really work on the bill.

Speaker Shurtleff: Will the member yield to another question? Rep. Steven Smith, you may inquire.

Rep. Steven Smith: Thank you, Mister Speaker and thank you to the member for carefully considering that before saying yes. I've got a process question, so I was looking at the provision in the bill that everyone

is talking about. Let's say I'm the bad guy. This isn't just about me, it also requires that anybody that has firearms on my behalf like if I gave them to a family member or I own and maintain weapons for a shooting club that they also have to turn in those weapons. Can you explain the process by how law enforcement would find out and do that?

Rep. Abbas: My understanding is that if you own a business or you are involved in any type of recreational club, as long as you have possession and I assume there would be some record of you actually being affiliated with whatever organization, the defendant would be required to surrender those, but possession is not just actual possession, it can be constructive possession as well. What that is, is when someone has the authority to assert dominion or control over it. So, if someone lives in your house and they were subject to this, as long as you have control over that firearm or that property for that matter, you would be required to surrender it. So, it really would expand to, it could expand to a lot of different people even if it is not even someone in your own home, it can be an uncle, a brother, whatever. So, it could expand that much. I will say law enforcement, it doesn't describe, it says in the house bill that they can get a warrant. That would also be a probable cause standard, but it doesn't say whether, I presume that they would have to go through the traditional probable cause procedures as if they were getting a warrant in any other criminal case. The problem is here is that there's only crime that they can really be investigating would be that you did not surrender firearms. So, I don't know how or what information you would be relying on, it puts law enforcement in a very difficult situation. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes the last speaker, the member from Hampton, Rep. Cushing to speak in support of the recommendation.

Rep. Cushing: Thank you, Mister Speaker. This bill comes before the Criminal Justice Committee after having been recommended by the bipartisan effort of the Health, Human Services and Elderly Affairs Committee and it is designed to protect our vulnerable population in this state. I have a 93-year-old mother with dementia and a 57-year-old brother in law who has Down Syndrome and also dementia and neither one of them are capable of caring or protecting themselves. We are fortunate in my family that we are very loving and united and do our best to protect them, but not everybody has that situation. I know that we have heard testimony in other committees about the need for this legislation because our vulnerable, elderly population is in some instances preyed upon. This bill was developed by the Attorney General's Office Task Force on Elderly Abuse along with the Senior Law Project, The American Association of Retired Persons, the National Alliance on Mental Illness, the Alzheimer's Society, the Banker's Society and it is based upon the legislation that we have had in place for 20 years that protects victims of domestic violence. I understand that there are some people who are going to use this who may want to use this as a collateral attack upon the existing domestic violence statute. We had testimony at the Criminal Justice hearing by people who disagree with the domestic violence statute, but the language that my member, my friend from Goffstown quoted in this existing bill is lifted word for word from the existing domestic violence statute, 173-B, which has been in place and has worked for 20 years. The idea that you would have a person who is exploiting a vulnerable person and who the person says if you tell anybody I'm going to kill you, the idea that that person could go seek a protective order and a judge not issue an order to have a firearm surrender when he heard testimony that someone had threatened to kill somebody, that would be judicial malpractice. We have a responsibility to protect people and not allow legislation to be redefined by something other than what it is. I will speak to the penalties that are involved in this bill. The penalties that are involved in this bill make it a misdemeanor, Class A misdemeanor for violation of this protective order. It is the exact same penalty that is in the current statute, protective legislation for protective orders for victims of domestic violence. It provides enhanced penalties if you violate an order more than once in a six-year period. Those are reasonable. We do this all the time. It's good legislation. I'd ask the members to please press yes and pass the bill. Press the green button.

Speaker Shurtleff: Will the member yield to a question? Rep. Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Mister Speaker. Thank you, Representative. You and the good Representative from Concord, we worked together the last few years on elderly protection bills and they really haven't had a chance. We got a lot of compliments working on these bills and they have been taking place. Why is this bill needed when we fixed a lot of this here in that elderly scamming and you know, going after them protection bill? Why is this needed?

Rep. Cushing: Thank you for the question, Representative. You're correct. We have done good work together. We passed legislation that makes it a crime to exploit elderly persons. The reason that this bill is necessary is that we need to provide an additional remedy to prevent that exploitation from taking place in the first place. Just as we passed a law that made domestic violence a crime, we decided also to go beyond that and protect, enact a statute so that you could have a protective order to prevent the harm from being done. We just want to be able to give the same kind of tools for our elderly and our vulnerable adults that we do for victims of domestic violence because I know that both you and I agree that elderly people, vulnerable people should not be exploited.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes the member from Kingston, Rep. Welch for a motion.

Rep. Welch: Thank you, Mister Speaker. I move that HB 696 be laid on the table.

Speaker Shurtleff: The question before the House is the motion to place HB 696 on the table and a division has been requested. This will be a division vote. Members will kindly take their seats. The House will be in order. The question before the House is the motion to table HB 696. The Chair recognizes the member from Salem, Rep. Abbas to speak in support of the motion, parliamentary inquiry rather.

Rep. Abbas: Thank you, Mister Speaker. If I know that domestic violence is already a crime and I also know that financial exploitation of vulnerable people is a crime. And, if I also know that Criminal Justice and Public Safety Committee had a similar bill that raised virtually the same constitutional issues as this bill does, as HB 696 does, and our committee decided to retain that bill to work on those constitutional issues. And, if I know that this bill is not designed, is intended to apply to issues of financial problems and has unnecessary language involving firearms and property, would I then press the green button and support the motion to table?

Speaker Shurtleff: The question before the House is the motion to table HB 696. The Chair recognizes Rep. Ley for a parliamentary inquiry.

Rep. Ley: Thank you, Mister Speaker. Mister Speaker, if I know that protecting vulnerable adults and the elderly from having their assets completely siphoned off before we can act is a good thing. And, if I know that the penalties that are provided for in this bill are appropriate, would I now oppose the motion to table by pressing the red button? Thank you.

Speaker Shurtleff: This is a division vote. The question before the House is the motion to table HB 696. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 164 voting Yea and 211 voting Nay, the motion to table fails. The question now before the House is the recommendation that the bill Ought to Pass. A roll call has been requested. A bipartisan roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. This will be a roll call vote. Members will take their seats. The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes Rep. Notter for a parliamentary inquiry.

Rep. Notter: Thank you, Mister Speaker. If I know that the National Rifle Association got it right when they emailed us that this bill would violate an individual's constitutional rights, moreover allow for the seizure of firearms with an ex parte order, absent due process and without regard for the basis of the order. If I also know that law enforcement would be immune from liability for any damage done to the firearms they seize. Finally, if I know that if an order expires, an individual would have to go to court to have their constitutionally protected property returned to them, unlike when the court may have seized the property wrongfully, would I then press the red button? Thank you, Mister Speaker.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. The Chair recognizes Rep. Rodd for a parliamentary inquiry.

Rep. Rodd: Thank you, Mister Speaker. If I know that elderly and vulnerable adults need protection before rather than after their assets have been depleted or stolen. And if I know that this bill is based on the same constitutionally sound tenets as the domestic violence laws. And if I know that this is not a gun confiscation bill, but any confiscation is the result of the discretion of a judge based on his or her assessment of each situation, would I now press the green button and support the committee's vote of Ought to Pass? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 219 members voting Yea and 156 voting Nay, the recommendation is adopted.

REGULAR CALENDAR CONT'D

HB 116-FN, relative to the job classification of positions in the retirement system. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the Majority of Finance. This bill allows for changes to the reclassification of some Department of Corrections employees in the retirement system from group I to group II if their existing job meets the standards of correctional line personnel. An example would be teachers who work directly with prisoners. In consideration of the policy committee's passage and corrections reported the change can be absorbed in the current budget the committee recommends ought to pass. Vote 14-8.

Rep. Lynne Ober for the Minority of Finance. The division discovered the cost of this bill would be \$200,000 for the department. The department stated they would cover this from existing funds, so no appropriation was needed. In the past the legislature has examined these requests and approved or not. With this bill, only the Department of Corrections will be allowed to make these decisions with no oversight. One can expect that once this bill passes, every agency will ask for this right and since there is a financial impact the minority believes the legislature should make these decisions and should have oversight of this type of work.

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

On a division vote, with 221 members having voted in the affirmative, and 149 in the negative, the majority committee report was adopted and ordered to third reading.

HB 120-FN, relative to the regulation of body art establishments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the Majority of Finance. This bill requires licensure and inspections of establishments for tattooing, body piercing or branding, massage therapists and massage establishments. It clarifies the licensure renewal for practitioners and apprentices in these practices. The oversight of the issue of licenses and inspections will be conducted by the office of professional licensure and certification. Vote 13-9.

Rep. Erin Hennessey for the Minority of Finance. This bill is yet another roadblock for NH young adults looking to stay in our fine state and make a living. Not previously in statute, this bill requires a body art apprentice to pay a biannual fee of \$110. An apprentice can only learn under the direct supervision of a licensed body art professional. Should NH also charge an apprentice fee for students learning poetry under the supervision of a professor at UNH, students studying accounting under supervision of an adjunct professor at CCSNH, or a student studying automotive technology under the supervision of their teacher at a CTE? No, we should not. NH needs to stop adding costs to those looking to learn and live in our state. As amended, this bill also adds a new fee for massage establishments employing two or more massage therapists. This fee is in addition to the licensing fees paid by each of the massage therapists.

Majority Amendment (1034h)

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

AN ACT relative to the regulation of body art establishments and massage, reflexology, structural integrator and Asian bodywork therapy establishments.

Amend the bill by replacing all after section 7 with the following:

8 Regulation of Massage Establishments. Amend RSA 328-B:1 to read as follows:

328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for massage therapists, including establishing basic qualifications for licensure of massage therapists **and massage establishments**.

9 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Establishment" means the place issued a license by the executive director where the profession of massage is practiced. "Establishment" shall include any building in which 2 or more massage therapists work for the same employer.

10 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph VIII the following new paragraph:

IX. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

11 New Paragraphs; Prohibited Acts; Establishment Licensure. Amend RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

VII. Operate an establishment without an establishment license.

VIII. Operate an establishment unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter.

12 New Paragraph; Powers and Duties; Establishments. Amend RSA 328-B:4 by inserting after paragraph VII the following new paragraph:

VIII. Regulate and adopt rules on massage establishments, including:

(a) The issuance, suspension, revocation, renewal, and denial of massage establishment licenses.

(b) Holding hearings and conduct investigations under paragraph II concerning massage establishment licenses.

(c) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(d) Standards and procedures for inspections of establishments including, inspections conducted as part of the initial licensure process.

(e) Application forms and procedures to open, close, relocate, or renew an establishment.

(f) Requiring public display of licensure and secure recordkeeping procedures.

(g) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(h) Requiring the licensee to obtain a certificate of good standing from the secretary of state.

(i) Qualifications for exemption of schools, health facilities, or others from massage establishment license requirements in RSA 328-B:14.

(j) Required documentation to verify sole proprietor or independent contractor designation.

13 Advisory Board of Massage Therapists. Amend the introductory paragraph of RSA 328-B:5 to read as follows:

The executive director shall establish the advisory board of massage therapists. The board shall consist of 3 massage therapists who are licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so that the term of one member expires each year, and they shall hold office until successors are appointed[, and shall serve on the board without any compensation]. ***Advisory board members shall be paid mileage and a per diem of \$50 for each day devoted to the work of the advisory board.*** In no event shall a member serve more than 2 full consecutive terms. The board shall:

14 New Paragraph; License Issuance. Amend RSA 328-B:6 by inserting after paragraph I the following new paragraph:

I-a. Initial licenses shall be valid until the next succeeding expiration date in accordance with 328-B:7.

15 License Fee; Establishment License. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee in the even-numbered year, upon approval of the executive director of the renewal application and submission of the required \$110 renewal fee ***for massage therapists or the required fee as determined in rules adopted by the executive director for massage establishments.***

16 New Paragraph; Revocation or Suspension. Amend RSA 328-B:8 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity, including but not limited to prostitution or human trafficking.

17 New Paragraph; Massage; Exemptions. Amend RSA 328-B:10 by inserting after paragraph III the following new paragraph:

IV. Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.

18 New Sections; Massage Establishment Licensure; Inspectors. Amend RSA 328-B by inserting after section 13 the following new sections:

328-B:14 Massage Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the board. Any New Hampshire licensed massage therapist may obtain an establishment license upon application and payment of fee provided that the establishment meets all requirements established in the rules of the board. Massage establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal massage therapist license provided that the owner employs a licensed massage therapist as manager. This section shall not authorize such owner to personally engage in massage therapy.

III. The requirement for establishment licensure under paragraph I shall not apply to a sole proprietor of his or her business or independent contractors. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. Only establishments issued a license by the executive director shall use the terms "licensed massage establishment" or "massage establishment."

V. The license fees for establishments shall be determined in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a massage establishment license.

VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage establishments.

328-B:15 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the board and the provisions of this chapter are being observed. Each inspector shall file a report of inspection findings and results with the executive director. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund.

II. The executive director shall adopt rules under RSA 541-A relative to the qualifications of an inspector under this section.

19 Grandfathering of Municipal Bylaws and Ordinances. Notwithstanding RSA 328-B:14, VI, a license for a massage establishment issued by a municipality in effect on the effective date of this act shall remain valid for purposes of RSA 328-B:14 until the expiration of the term of the license.

20 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

II-a. "Establishment" means the place licensed by the executive director where the practitioners of reflexology, structural integration, and Asian bodywork therapy practice. "Establishment" shall include any building in which 2 or more licensed reflexologists, structural integrators, or Asian bodywork therapists work for the same employer.

21 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

VIII. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

22 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

VI. Operate a reflexology, structural integration, or Asian bodywork therapy establishment without an establishment license.

VII. Operate a reflexology, structural integration, or Asian bodywork therapy establishment unless such establishment is at all times under the direct supervision and management of a practitioner licensed under this chapter.

23 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new subparagraph:

(m) Regulate establishments including:

(1) Issue, suspend, revoke, and deny licenses in accordance with rules adopted under RSA 541-A.

(2) Hold hearings and conduct investigations, public or confidential, and issue orders relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals shall be made in accordance with RSA 541.

(3) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(4) Standards and procedures for inspections of establishments, including inspections conducted as part of the initial licensure process.

(5) A fine schedule for violations of the administrative rules adopted by the executive director under this chapter.

(6) Application forms and procedures to open, close, relocate, or renew an establishment.

(7) Requiring public display of licensure and secure recordkeeping procedures.

(8) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(9) Requiring an applicant for licensure to obtain a certificate of good standing from the secretary of state.

(10) Establishing the fees for licensure of a reflexology, structural integration, or Asian bodywork therapy establishment in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a reflexology, structural integration, or Asian bodywork therapy establishment license.

(11) Qualifications for exemption of schools, health facilities, or others from reflexology, structural integration, or Asian bodywork therapy establishment license requirements in RSA 328-H:18.

(12) Required documentation to verify sole proprietor or independent contractor designation.

24 New Paragraph; License Revocation or Suspension. Amend RSA 328-H:10 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity including but not limited to prostitution or human trafficking.

25 Exemptions. Amend RSA 328-H:13 as follows:

328-H:13 Exemptions.

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed.

II. *Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.*

26 New Sections; Establishment Licensure; Inspectors. Amend RSA 328-H by inserting after section 17 the following new sections:

328-H:18 Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the executive director. Any New Hampshire licensed reflexologist, structural integrator, or Asian bodywork therapist may obtain an establishment license upon application and fee provided that the establishment meets all requirements established in the rules adopted by the executive director. Establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian bodywork therapist license provided that the owner employs a licensed reflexologist, structural integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner to personally engage in massage therapy act as a practitioner under this chapter.

III. This section shall not apply to licensed reflexologist, structural integrator, or Asian bodywork therapists who are sole proprietors of his or her business or an independent contractor. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of reflexology, structural integration, or Asian bodywork therapy establishments.

328-H:19 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the executive director and the provisions of this chapter are being observed. Each inspector shall file a report with the executive director of inspection findings and results. Salaries and necessary expenses shall be charged against the fees and other moneys collected under this chapter.

II. The executive director shall adopt rules relative to the qualifications of an inspector under this section.

27 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One investigative paralegal position, labor grade 22, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I, which shall be in addition to any sums appropriated in 01-21-21-215010-2406 for the division of health professions, is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund established in RSA 310-A:1-e.

28 Effective Date. This act shall take effect July 1, 2019.

AMENDED ANALYSIS

This bill requires the licensure and inspection of tattooing, body piercing, or branding establishments, massage establishments, and reflexology, structural integration, or Asian bodywork therapy establishments. The bill also clarifies the regulation of body art practitioners by the office of professional licensure and certification.

This bill is a request of the office of professional licensure and certification.

Majority committee amendment adopted.

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

YEAS 218 - NAYS 155

YEAS - 218 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison
Woodcock, Stephen

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Nelson, Bill

DesMarais, Edith
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Pearson, William

Berch, Paul
Fenton, Donovan
Mann, John
Swinburne, Sandy
Weber, Lucy

Bordenet, John
Gomarlo, Jennie
Morrill, David
Tatro, Bruce

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger

Adjutant, Joshua
Egan, Timothy

Almy, Susan
Fellows, Sallie

Campion, Polly
Ford, Susan

French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Weston, Joyce

Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel

Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Massimilla, Linda
Osborne, Richard
Sykes, George

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary
Jeudy, Jean
Komi, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Riel, Cole
St. John, Michelle
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Herbert, Christopher
King, Mark
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Rung, Rosemarie
Stack, Kathryn
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Newman, Sue
Stevens, Deb
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Richards, Beth
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Le, Tamara
Malloy, Dennis
Meuse, David
Warner, Anne

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Guthrie, Joseph
Loughman, Tom
McBeath, Rebecca
Pantelakos, Laura

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Hobson, Deborah
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Murray, Kate
Maggiore, Jim
Melvin, Charles
Ward, Gerald

STRAFFORD

Bixby, Peter
Ellis, Donna
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Cannon, Gerri
Fargo, Kristina
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Horrigan, Timothy
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Conley, Casey
Frost, Sherry
Keans, Sandra
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

SULLIVAN

Cloutier, John
Sullivan, Brian

O'Hearne, Andrew

Oxenham, Lee

Stapleton, Walter

NAYS - 155

BELKNAP

Aldrich, Glen
Fields, Dennis
Plumer, John
Varney, Peter

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Hunt, John

Meador, David

O'Day, John

Von Plinsky, Sparky

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTONDiggs, Francesca
Smith, Suzanne

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGHLekas, Alicia
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie
Smith, TimothyAlexander, Joe
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
Marzullo, JP
Panasiti, Reed
Ober, Russell
Shaw, Barbara
Ulery, JordanBarry, Richard
Burt, John
Fedolli, Jim
Graham, John
L'Heureux, Robert
McLean, Mark
Plett, Fred
Renzullo, Andrew
Somero, Paul
Warden, MarkBelanger, James
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Lekas, Tony
Whittemore, James**MERRIMACK**Allard, James
Kotowski, Frank
Seaworth, BrianHill, Gregory
Marple, Richard
Wolf, DanHorn, Werner
McGuire, Carol
Yakubovich, MichaelKlose, John
Pearl, Howard**ROCKINGHAM**Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Janigian, John
Kolodziej, Walter
Pearson, Mark
McMahon, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, ScottAbrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Harb, Robert
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, DavidAbramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Owens, Becky
Pratt, Kevin
Spillane, James
Vallone, Mark
Weyler, KennethActon, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Osborne, Jason
Khan, Aboul
Griffin, Mary
McKinney, Betsy
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Yokela, Josh**STRAFFORD**Harrington, Michael
McNally, Jody
Wuelper, KurtHayward, Peter
Perreault, MonaHorgan, James
Pitre, JosephKittredge, Mac
Rooney, Abigail**SULLIVAN**Aron, Judy
Merchant, GaryCallum, John
Rollins, SkipLaware, Thomas
Smith, Steven

Lucas, Gates

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

HB 457-FN, establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the Majority of Finance. This bill would establish a committee to study the making, preservation and internet availability of audio and video recordings of proceedings of committees. Considering passage in the policy committee and no fiscal impact the committee recommends ought to pass. Vote 14-8.

Rep. Kenneth Weyler for the Minority of Finance. The prospect of making and preserving and indexing all the meetings of all our committees has been suggested before. The preliminary estimates at that time were very costly and determined to be of little value. The minority does not believe having a new study would find out anything different. Most chairmen allow organizations to record meetings now. So, interested parties have that right presently.

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

On a division vote, with 220 members having voted in the affirmative, and 147 in the negative, the majority committee report was adopted and ordered to third reading.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the Majority of Finance. The amendment changes the Cost of Living Adjustment that was previously passed by the full House to apply the 1.5% COLA only to the first \$50,000 of pension benefit.

Therefore, if a retiree who has been retired for at least 60 months prior to or on July 1, 2019 has a pension of \$70,000 they will only receive the COLA on \$50,000. Ninety-four percent of all retirees have a pension of \$50,000 or less. Vote 12-8.

Rep. Lynne Ober for the Minority of Finance. While this is a well-meaning bill, COLAs are not part of the New Hampshire Retirement System, which has never had COLAs as part of the plan. In order to pay for this amended bill, the majority raised the cost of retirement system for municipalities, school districts, and state. The minority believes this is an unfunded mandate for municipalities and school districts, but also recognizes that the New Hampshire Retirement System is unable to determine if a retiree came from the state, a municipality or school district. If the desire is for the state to be able to provide COLAs for retirees who worked for the state, the retirement computer system should be modified to track retirees appropriately or a commission could be formed to gain approval of municipalities and school districts for payment of said COLAs. Without one of these two being accomplished the minority believes this is an unfunded mandate that will cost towns and school districts millions.

Majority Amendment (1268h)

Amend RSA 100-A:41-e, I as inserted by section 1 of the bill by replacing it with the following:

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 60 months prior to or on July 1, 2019, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive a cost of living adjustment (COLA) as a supplemental allowance, on the retired member's first anniversary date occurring after July 1, 2020. The amount of such supplemental allowance shall be 1-1/2 percent of a member's or beneficiary's annual retirement allowance which is \$50,000 or less, or otherwise 1-1/2 percent of the first \$50,000 of a retired member's or beneficiary's allowance.

Majority committee amendment adopted.

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

Rep. McGuire spoke against and yielded to questions.

Rep. Lovejoy spoke in favor.

Rep. Lynne Ober requested a roll call; sufficiently seconded.

YEAS 219 - NAYS 149

YEAS - 219 BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
DesMarais, Edith
Ticehurst, Susan

Burroughs, Anita
Kanzler, Harrison
Woodcock, Stephen

Butler, Edward
Knirk, Jerry

Crawford, Karel
Nelson, Bill

CHESHIRE

Abbott, Michael
Eaton, Daniel
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Ames, Richard
Faulkner, Barry
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
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Swinburne, Sandy
Pearson, William

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Weber, Lucy

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Hatch, William
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French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis

Almy, Susan
Egan, Timothy
Josephson, Timothy
Muscatal, Garrett
Smith, Suzanne

Campion, Polly
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Sykes, George

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Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis

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Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary

Herbert, Christopher
King, Mark
L'Heureux, Robert
Murray, Megan
Murphy, Nancy
Petrigno, Peter
Proulx, Mark
Riel, Cole
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Indruk, Greg
Klee, Patricia
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy

Jack, Martin
Klein-Knight, Nicole
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Jeudy, Jean
Komi, Richard
Long, Patrick
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Fox, Samantha
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Moffett, Howard
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Doherty, David
Fulweiler, Joyce
Luneau, David
Myler, Mel
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

Ebel, Karen
Karrick, David
MacKay, James
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Ellison, Arthur
Klose, John
McWilliams, Rebecca
Saunderson, George
Soucy, Timothy
Wazir, Safiya

ROCKINGHAM

Altschiller, Debra
Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
Malloy, Dennis
Milz, David
Pearson, Stephen

Barnes, Arthur
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McBeath, Rebecca
Pantelakos, Laura
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Pearson, Mark
McConnell, Liz
Pratt, Kevin
Ward, Gerald

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Maggiore, Jim
Meuse, David
Read, Ellen
Warner, Anne

STRAFFORD

Bixby, Peter
Frost, Sherry
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Vincent, Kenneth

Cannon, Gerri
Gourgue, Amanda
Levesque, Cassandra
Rich, Cecilia
Spang, Judith
Wall, Janet

Chase, Wendy
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

Fargo, Kristina
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

SULLIVAN

Cloutier, John
Oxenham, Lee

Laware, Thomas
Sullivan, Brian

Merchant, Gary

O'Hearne, Andrew

NAYS - 149

BELKNAP

Aldrich, Glen
Fields, Dennis
Plumer, John
Varney, Peter

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

CARROLL

Avellani, Lino
Marsh, William

Comeau, Ed

Cordelli, Glenn

MacDonald, John

CHESHIRE

Gomarlo, Jennie

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

GRAFTON

Hennessey, Erin
Stringham, Jerry

Ladd, Rick

Migliore, Vincent Paul

Stavis, Laurel

HILLSBOROUGH

Lekas, Alicia
Bergeron, Paul
Camarota, Linda
Flanagan, Jack
Greene, Bob

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard

Barry, Richard
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary

Belanger, James
Burt, John
Fedolfi, Jim
Graham, John
Ober, Lynne

Lascelles, Richard
 Notter, Jeanine
 Prout, Andrew
 Somero, Paul
 Whittemore, James

Marzullo, JP
 Nunez, Hershel
 Ober, Russell
 Lekas, Tony
 Woodbury, David

McLean, Mark
 Panasiti, Reed
 Renzullo, Andrew
 Ulery, Jordan

Mombourquette, Donna
 Plett, Fred
 Rice, Kimberly
 Warden, Mark

MERRIMACK

Allard, James
 Kotowski, Frank
 Pimentel, Roderick
 Wolf, Dan

Carson, Clyde
 Marple, Richard
 Richards, Beth
 Yakubovich, Michael

Hill, Gregory
 McGuire, Carol
 Rodd, Beth

Horn, Werner
 Pearl, Howard
 Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Davis, Dan
 DeSimone, Debra
 Fowler, William
 Harb, Robert
 Janigian, John
 Kolodziej, Walter
 Major, Norman
 Melvin, Charles
 Potucek, John
 Torosian, Peter
 Welch, David

Abrami, Patrick
 Bershtein, Alan
 Thomas, Douglas
 Dolan, Tom
 Gay, Betty
 Hobson, Deborah
 Janvrin, Jason
 Love, David
 McBride, Everett
 Owens, Becky
 Prudhomme-O'Brien, Katherine
 True, Chris
 Weyler, Kenneth

Abramson, Max
 Chirichiello, Brian
 DeClercq, Edward
 Edwards, Jess
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Lundgren, David
 McKinney, Betsy
 Packard, Sherman
 Roy, Terry
 Verville, Kevin
 Yokela, Josh

Acton, Dennis
 Costable, Michael
 Desilets, Joel
 Elliott, Robert
 Guthrie, Joseph
 Osborne, Jason
 Khan, Aboul
 Griffin, Mary
 McMahon, Charles
 Piemonte, Tony
 Spillane, James
 Wallace, Scott

STRAFFORD

Conley, Casey
 Horgan, James
 Perreault, Mona

Ellis, Donna
 Keans, Sandra
 Pitre, Joseph

Fontneau, Timothy
 Kittredge, Mac
 Rooney, Abigail

Hayward, Peter
 McNally, Jody
 Wuelper, Kurt

SULLIVAN

Aron, Judy
 Stapleton, Walter

Callum, John
 Smith, Steven

Lucas, Gates

Rollins, Skip

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

Reps. Sytek and Harrington declared conflicts of interest and did not participate on the vote.

MOTION TO PRINT DEBATE

Rep. Packard moved that the debate on **HB 616-FN**, relative to a cost of living adjustment for retirees in the state retirement system, be printed in the Permanent Journal.

Without objection, the Speaker ordered.

DEBATE ON HB 616-FN

Rep. McGuire: Thank you, Mister Speaker. The committee amendment does something we tried to do in the policy committee, but were unable to, that's to limit the amount of COLA for the higher paid retirees who are generally more recently retired and less in need of a cost of living increase. However, the bill still has the main problem, namely that how we choose to pay for it. When it left ED&A, we were informed that there was a lot of one-time money available for the budget and we felt that House Finance might be willing and able to fund this cost of living increase because the retirement system requires that when it goes into effect you have to be able to pay for it. That keeps the system solvent. However, the committee chose not to do that which means that the default effort is that it's going to go into the employer rates which are paid by every town, every county, every school system in our property taxes. We are all going to be paying this for 20 years and the interest of course because obviously you have to pay for it up front. The trouble with that is that only a very small percentage of the employees are actually state employees. Most of them are employees of the municipalities and in particular the biggest group is the retired teachers. So, your school district is going to be paying more and for the retirement of every retired teacher for the next 20 years and it's going to show up in your property taxes and in the property taxes of all your constituents who have been begging you to cut their property taxes. I believe that passing this bill is contrary to our positions on other issues such as increasing funding to pay for school districts in order to not effect property taxes. It's also a question of an unfunded mandate because the towns, the school boards, the counties have not voted to give these costs of living increases. It has only been the legislature. We have decided that they need it, the retirees deserve a COLA, therefore, we'll give it and we'll make sure that everybody else pays for it. I think that is a very wrong thing to do. The fact that there is not a cost of living increase is a necessary feature of a defined benefit pension. That's the way it comes. You know what you're going to get, and the House has decisively rejected any other form of pension, this year, last year, years before. We have said we want to give our retirees

a known benefit when they retire so they will know what they are getting and unfortunately with the know what they're getting that means it can't go up without us coming up with a separate source of funds to pay for that increase. So, by approving this bill you are saying we are going to violate the concept of our retirement system for the benefit of the retirees, I'll grant that, and we are going to make everybody in the state pay for our decision and we're not going to give them a vote on it. They are not going to have an opportunity to approve this increase at the school board, at the town meeting, by your county delegation. We are taking that away from them. We are totally stripping them of local control and I understand that it's only very few employees who are actually in the state. I was told it would be \$1 million from the state to cover the cost of the increase for retired state employees. All the rest is coming out of your school districts. It's coming out of your local taxes and I hope you will join me in rejecting this. Thank you very much.

Speaker Shurtleff: Will the member yield to a question? Rep. Flanagan, you may inquire.

Rep. Flanagan: Thank you, Mister Speaker. Thank you, Representative, for taking my question. It's brief. Isn't this a 28-A issue? An unfunded mandate for the town?

Rep. McGuire: Yes.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Stratham, Rep. Lovejoy, to speak in support of the recommendation.

Rep. Lovejoy: Thank you, Mister Speaker. On March 27th, the House passed HB 616 authorizing a 1.5% COLA for all retirees who have been retired at least 5 years as of this July, July 1st, 2019. The COLA would begin on their first anniversary date occurring after July 1, 2020. This would be the first COLA in over 9 years. The bill was referred to the Finance Committee as a 2nd committee. Division I reviewed the bill and the funding mechanism. The funding for this COLA will be paid for by an increase in employer rates for the next 20 years, beginning in fiscal year 2022. The retirement system has recently released the employer rates for the next two years. Rates for all groups, with the exception of teachers, have gone down. The increase in the employer rates for funding this COLA will be less than the decreases announced by the retirement system for all groups once again except for teachers. Therefore, the rates paid by the employers in 2022 will still be less than they are today with the exception of the teachers. As passed by the House on February 27, the COLA would apply to the entire amount of the retiree's pension regardless of how small or how large that pension was. This amendment passed by the Finance Committee changes the COLA to only apply to the first \$50,000 of pension benefits. Currently, over 50% of our retirees receive a benefit that's \$30,000 or less. At the \$50,000 level, it will cover the full pension for 94% of our retirees. Those with a larger pension will only get the benefit of the COLA on the first \$50,000 of their pension thereby capping the potential increase in their yearly pension at \$750. Please support the COLA bill by pressing the green button. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The question before the House is the recommendation that the bill Ought to Pass as Amended. Rep. Lynne Ober has already requested a roll call which has been sufficiently seconded. This will be a roll call vote. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Lynne Ober for a parliamentary inquiry.

Rep. Lynne Ober: Thank you, Mister Speaker. If I know that retirement systems do not include a COLA and that includes the New Hampshire Retirement System and the majority of the members of our retirement system have come from the municipalities and the school districts. And, if I know those municipalities and school districts have been suffering with very high pension rates, which would finally go down this year, but this amended bill raises those back up. And, if I know that's a 28-A unfunded mandate situation. And, if I know I do not want to downshift additional costs to my municipality and my school district, would I then press the red button to avoid the unfunded mandate and to avoid the downshifting? Please press the red button.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognized Rep. Wallner for a parliamentary inquiry.

Rep. Wallner: Thank you, Mister Speaker. If I know that the New Hampshire House has already passed a COLA of 1.5% for all retirees who have been retired for five years or more as of July 1, 2019. And, if I know that this amended COLA bill limits the COLA to the first \$50,000 of pension benefit, thereby capping the annual benefit to \$750. And, lastly if I know that retirees have not had a COLA increase in over nine years, would I now press the green button?

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. This will be a roll call vote. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 219 members voting Yea and 149 voting Nay, the recommendation is adopted.

The House recessed at 12:20 p.m.

RECESS

The House reconvened at 1:30 p.m.

(Speaker Shurtleff in the Chair)**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills numbered 1 and 16.
Rep. Ley, Sen. Soucy for the Committee

REGULAR CALENDAR CONT'D

HB 729-FN-A, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Beth Walz for the Majority of Finance. This bill establishes a right-to-know commission and creates an ombudsman who can act on right-to-know complaints. The bill sets forth extensive requirements for the ombudsman's job, including a requirement of ten years of legal practice, but only appropriates \$48,000 for the position. The majority believes it will be impossible to find someone who meets the extensive qualifications and is willing to work for the appropriated compensation. Even if someone is qualified and willing to take the job, nothing is appropriated for a computer or office expenses. Also, the majority is concerned about the strict limitations as to who may serve on the commission, as many of the logical and most qualified people are banned from serving. Vote 13-9.

Rep. Kenneth Weyler for the Minority of Finance. Providing an ombudsman to hear disputes over right-to-know requests, is a mechanism to expedite claims and save going to court, is a concept that has been supported twice in the Judiciary Committee and the House. To block this idea over nitpicking the details of a \$48,000 appropriation is a disservice to the public.

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

Rep. Walz spoke in favor.

Rep. Wuelper spoke against and requested a roll call; sufficiently seconded.

YEAS 203 - NAYS 165**YEAS - 203****BELKNAP**

Huot, David St. Clair, Charlie

CARROLL

Buco, Thomas Burroughs, Anita Butler, Edward DesMarais, Edith
Kanzler, Harrison Knirk, Jerry Ticehurst, Susan

CHESHIRE

Abbott, Michael Ames, Richard Berch, Paul Eaton, Daniel
Fenton, Donovan Gomarlo, Jennie Harvey, Cathryn Ley, Douglas
Mann, John Meader, David Morrill, David Parkhurst, Henry
Schapiro, Joe Swinburne, Sandy Tatro, Bruce Von Plinsky, Sparky
Pearson, William Weber, Lucy

COOS

Craig, Kevin Laflamme, Larry Moynihan, Wayne Noel, Henry
Tucker, Edith Thomas, Yvonne

GRAFTON

Abel, Richard Adjutant, Joshua Almy, Susan Campion, Polly
Diggs, Francesca Dontonville, Roger Egan, Timothy Fellows, Sallie
Ford, Susan French, Elaine Josephson, Timothy Maes, Kevin
Massimilla, Linda Mulligan, Mary Jane Muscatel, Garrett Nordgren, Sharon
Osborne, Richard Stavis, Laurel Stringham, Jerry Smith, Suzanne
Sykes, George Weston, Joyce

HILLSBOROUGH

Bouldin, Amanda Bouldin, Andrew Backus, Robert Baroody, Benjamin
Beaulieu, Jane Bergeron, Paul Bernet, Jennifer Bordy, William
Bosman, James Bouchard, Donald Chretien, Jacqueline Cleaver, Skip
Cohen, Bruce Connors, Erika Cornell, Patricia Cote, David
Dargie, Paul Desjardin, Kathy DiSilvestro, Linda Espitia, Manny
Davis, Freitas, Mary Goley, Jeffrey Hamer, Heidi
Harriott-Gathright, Linda Heath, Mary Herbert, Christopher Indruk, Greg
Jack, Martin Jeudy, Jean King, Mark Klee, Patricia
Klein-Knight, Nicole Leishman, Peter Long, Patrick Murray, Megan
Mangipudi, Latha Martin, Joelle Mombourquette, Donna Mullen, Sue

Murphy, Nancy
 Petrigno, Peter
 Query, Joshua
 Rung, Rosemarie
 St. John, Michelle
 Telerski, Laura
 Vann, Ivy
 Woodbury, David

Nutter-Upham, Frances
 Pickering, Daniel
 Newman, Ray
 Newman, Sue
 Stack, Kathryn
 Toomey, Dan
 Thomas, Wendy

Nutting-Wong, Allison
 Piedra, Israel
 Radhakrishnan, Julie
 Shaw, Barbara
 Stevens, Deb
 Vail, Suzanne
 Wilhelm, Matthew

Pedersen, Michael
 Porter, Marjorie
 Riel, Cole
 Snow, Kendall
 Smith, Timothy
 Van Houten, Constance
 Williams, Kermit

MERRIMACK

Bartlett, Christy
 Ellison, Arthur
 Lane, Connie
 Moffett, Howard
 Rogers, Katherine
 Schultz, Kristina
 Walz, Mary Beth

Carson, Clyde
 Fox, Samantha
 Luneau, David
 Myler, Mel
 Saunderson, George
 Soucy, Timothy
 Wazir, Safiya

Doherty, David
 Fulweiler, Joyce
 MacKay, James
 Pimentel, Roderick
 Schamberg, Thomas
 Turcotte, Alan
 Woods, Gary

Ebel, Karen
 Karrick, David
 McWilliams, Rebecca
 Rodd, Beth
 Schuett, Dianne
 Wallner, Mary Jane

ROCKINGHAM

Altschiller, Debra
 Cahill, Michael
 Grossman, Gaby
 Le, Tamara
 Malloy, Dennis
 Pantelakos, Laura
 Warner, Anne

Berrien, Skip
 Edgar, Michael
 Grote, Jaci
 Loughman, Tom
 McBeath, Rebecca
 Read, Ellen

Bunker, Lisa
 Eisner, Mary
 Harb, Robert
 Lovejoy, Patricia
 McConnell, Liz
 Somssich, Peter

Bushway, Patricia
 Gilman, Julie
 Murray, Kate
 Maggiore, Jim
 Meuse, David
 Ward, Gerald

STRAFFORD

Bixby, Peter
 Fargo, Kristina
 Horrigan, Timothy
 Opderbecke, Linn
 Sandler, Catt
 Vincent, Kenneth

Cannon, Gerri
 Fontneau, Timothy
 Keans, Sandra
 Schmidt, Peter
 Southworth, Thomas
 Wall, Janet

Chase, Wendy
 Gourgue, Amanda
 Levesque, Cassandra
 Rich, Cecilia
 Spang, Judith

Ellis, Donna
 Grassie, Chuck
 Smith, Marjorie
 Salloway, Jeffrey
 Treleaven, Susan

SULLIVAN

Cloutier, John
 Sullivan, Brian

Merchant, Gary

O'Hearne, Andrew

Stapleton, Walter

NAYS - 165

BELKNAP

Aldrich, Glen
 Fields, Dennis
 Plumer, John
 Varney, Peter

Bean, Harry
 Howard, Raymond
 Spanos, Peter

Comtois, Barbara
 Jurius, Deanna
 Sylvia, Michael

Feeney, George
 Mackie, Jonathan
 Tilton, Franklin

CARROLL

Avellani, Lino
 MacDonald, John

Comeau, Ed
 Marsh, William

Cordelli, Glenn
 Nelson, Bill

Crawford, Karel
 Woodcock, Stephen

CHESHIRE

Bordenet, John
 Thompson, Craig

Faulkner, Barry

Hunt, John

O'Day, John

COOS

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

Ruprecht, Dennis

HILLSBOROUGH

Lekas, Alicia
 Belanger, James
 Camarota, Linda
 Fedolfi, Jim
 Graham, John
 Hopper, Gary
 Marzullo, JP
 Panasiti, Reed
 Ober, Russell
 Somero, Paul
 Whittemore, James

Alexander, Joe
 Boehm, Ralph
 Danielson, David
 Flanagan, Jack
 Greene, Bob
 L'Heureux, Robert
 McLean, Mark
 Plett, Fred
 Renzullo, Andrew
 Lekas, Tony

Balch, Chris
 Burns, Charles
 Dutzy, Sherry
 Gagne, Larry
 Griffith, Willis
 Ober, Lynne
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Ulery, Jordan

Barry, Richard
 Burt, John
 Erf, Keith
 Gould, Linda
 Hinch, Richard
 Lascelles, Richard
 Nunez, Hershel
 Prout, Andrew
 Sanborn, Laurie
 Warden, Mark

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Wells, Kenneth

Horn, Werner
McGuire, Carol
Wolf, Dan

Klose, John
Pearl, Howard
Yakubovich, Michael

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Chirichiello, Brian
Thomas, Douglas
DiLorenzo, Charlotte
Elliott, Robert
Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Roy, Terry
Torosian, Peter
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
Costable, Michael
DeClercq, Edward
Dolan, Tom
Fowler, William
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Pearson, Stephen
True, Chris
Welch, David

Abramson, Max
Bershtein, Alan
Cushing, Robert Renny
Desilets, Joel
Doucette, Fred
Gay, Betty
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Owens, Becky
Pratt, Kevin
Spillane, James
Vallone, Mark
Weyler, Kenneth

Acton, Dennis
Cali-Pitts, Jacqueline
Davis, Dan
DeSimone, Debra
Edwards, Jess
Green, Dennis
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Packard, Sherman
Prudhomme-O'Brien, Katherine
Sytek, John
Verville, Kevin
Yokela, Josh

STRAFFORD

Conley, Casey
Kenney, Cam
Pitre, Joseph

Harrington, Michael
Kittredge, Mac
Rooney, Abigail

Hayward, Peter
McNally, Jody
Towne, Matthew

Horgan, James
Perreault, Mona
Wuelper, Kurt

SULLIVAN

Aron, Judy
Oxenham, Lee

Callum, John
Rollins, Skip

Laware, Thomas
Smith, Steven

Lucas, Gates

and the majority committee report was adopted.

HB 295-FN-A, establishing a special marriage officiant license. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennie Gomarlo for the Majority of Ways and Means. This bill allows the temporary authorization of any individual to solemnize a marriage in New Hampshire. The sponsor's intent is to increase destination marriages and tourism. The majority of the committee felt the bill's \$85 fee is reasonable. The bill is modeled after Vermont's law, where the fee is \$100. This bill sends \$80 to the DHHS for domestic violence programs, in like manner to our marriage license statute. It is estimated to raise \$25-80,000 for that purpose, with a potential for matching federal funds. Vote 12-8.

Rep. Alan Bershtein for the Minority of Ways and Means. The primary purpose of this bill, as stated by the sponsor during introduction to the Ways and Means Committee, is to encourage destination weddings in NH. Enabling temporary authorization for individuals to solemnize a wedding will allow NH to be a more attractive venue for destination weddings. Amendment 1205h reduces the fee for the temporary license from \$85 to \$30. The reduction of the fee makes this bill even more persuasive towards the goal of attracting more destination weddings to the Granite State.

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

Rep. Edwards offered the minority committee amendment (1205h).

Minority Amendment (1205h)

Amend the bill by replacing section 1 with the following:

1 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA 457 by inserting after section 32-a the following new section:

457:32-b Special Marriage Officiant License.

I. The secretary of state may issue a special marriage officiant license to solemnize the marriage of a couple within the state. Any individual who applies for a special marriage officiant license under this section shall register with the secretary of state by completing such registration form as the secretary of state may prescribe. There shall be a fee of \$30 for each such license, and the secretary of state shall maintain a record of all such special licenses issued.

II. Upon registration as a special marriage officiant, the individual shall be authorized to solemnize only the civil marriage designated on the registration form and shall receive proof of such authority from the secretary of state. The individual's authority to solemnize the marriage shall expire at the same time as the corresponding license.

AMENDED ANALYSIS

This bill establishes a special marriage officiant license to temporarily authorize an individual to solemnize a marriage.

Rep. Gomarlo spoke against.

Rep. Edwards spoke in favor and requested a roll call; sufficiently seconded.

YEAS 154 - NAYS 215

YEAS - 154

BELKNAP

Aldrich, Glen
Fields, Dennis
Plumer, John
Varney, Peter

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Diggs, Francesca

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
Boehm, Ralph
Danielson, David
Flanagan, Jack
Greene, Bob
Ober, Lynne
Notter, Jeanine
Proulx, Mark
Rice, Kimberly
Ulery, Jordan

Alexander, Joe
Burns, Charles
Dutzy, Sherry
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Nunez, Hershel
Prout, Andrew
Sanborn, Laurie
Warden, Mark

Barry, Richard
Burt, John
Erf, Keith
Gould, Linda
Hopper, Gary
Marzullo, JP
Panasiti, Reed
Ober, Russell
Somero, Paul
Whittemore, James

Belanger, James
Camarota, Linda
Fedolfi, Jim
Graham, John
L'Heureux, Robert
McLean, Mark
Plett, Fred
Renzullo, Andrew
Lekas, Tony

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Wolf, Dan

Horn, Werner
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
Desilets, Joel
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Owens, Becky
Pratt, Kevin
Sytek, John
Wallace, Scott

Abrami, Patrick
Barnes, Arthur
Davis, Dan
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Packard, Sherman
Roy, Terry
Torosian, Peter
Welch, David

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Dolan, Tom
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris
Weyler, Kenneth

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Doucette, Fred
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Spillane, James
Verville, Kevin
Yokela, Josh

STRAFFORD

Harrington, Michael
McNally, Jody
Salloway, Jeffrey

Hayward, Peter
Perreault, Mona
Spang, Judith

Horgan, James
Pitre, Joseph
Wuelper, Kurt

Kittredge, Mac
Rooney, Abigail

SULLIVAN

Aron, Judy
Merchant, Gary

Callum, John
Rollins, Skip

Laware, Thomas
Stapleton, Walter

Lucas, Gates
Smith, Steven

NAYS - 215

BELKNAP

Huot, David

St. Clair, Charlie

CARROLL

Buco, Thomas
Kanzler, Harrison
Woodcock, Stephen

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Nelson, Bill

DesMarais, Edith
Ticehurst, Susan

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Berch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Pearson, William

COOS

Hatch, William
Tucker, Edith

Lafamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Campion, Polly
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Amanda
Baroody, Benjamin
Bordy, William
Cleaver, Skip
Cote, David
Espitia, Manny
Griffith, Willis
Herbert, Christopher
King, Mark
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Bouldin, Andrew
Beaulieu, Jane
Bosman, James
Cohen, Bruce
Dargie, Paul
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

Backus, Robert
Bergeron, Paul
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Balch, Chris
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Goley, Jeffrey
Heath, Mary
Judy, Jean
Komi, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

MERRIMACK

Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Doherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter

Berrien, Skip
Cali-Pitts, Jacqueline
Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Vallone, Mark

Bunker, Lisa
Cushing, Robert Renny
Gilman, Julie
Le, Tamara
Malloy, Dennis
Pantelakos, Laura
Ward, Gerald

Bushway, Patricia
DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Warner, Anne

STRAFFORD

Bixby, Peter
Ellis, Donna
Grassie, Chuck
Levesque, Cassandra
Rich, Cecilia
Treleven, Susan

Cannon, Gerri
Fargo, Kristina
Horriggan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Keans, Sandra
Opderbecke, Linn
Southworth, Thomas
Wall, Janet

Conley, Casey
Gourgue, Amanda
Kenney, Cam
Schmidt, Peter
Towne, Matthew

SULLIVAN

Cloutier, John

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

and the minority committee amendment failed.

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

Rep. Abramson spoke against.

Rep. Edwards spoke against and yielded to questions.

Rep. Cushing spoke in favor and yielded to questions.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 214 - NAYS 155**YEAS - 214****BELKNAP**

Huot, David

St. Clair, Charlie

CARROLLBuco, Thomas
Kanzler, HarrisonBurroughs, Anita
Knirk, JerryButler, Edward
Ticehurst, SusanDesMarais, Edith
Woodcock, Stephen**CHESHIRE**Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, LucyAmes, Richard
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, CraigBerch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, SparkyBordenet, John
Gomarlo, Jennie
Meador, David
Swinburne, Sandy
Pearson, William**COOS**Hatch, William
Tucker, EdithLaflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTONAbel, Richard
Dontonville, Roger
French, Elaine
Muscatel, Garrett
Stavis, Laurel
Weston, JoyceAdjutant, Joshua
Egan, Timothy
Josephson, Timothy
Nordgren, Sharon
Stringham, JerryAlmy, Susan
Fellows, Sallie
Massimilla, Linda
Osborne, Richard
Smith, SuzanneCampion, Polly
Ford, Susan
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George**HILLSBOROUGH**Bouldin, Amanda
Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Herbert, Christopher
King, Mark
Langley, Diane
Mangipudi, Latha
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, MatthewBouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, KermitBackus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Pedersen, Michael
Porter, Marjorie
Radhakrishnan, Julie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, DavidBalch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary
Jeudy, Jean
Komi, Richard
Murray, Megan
Mullen, Sue
Petrigno, Peter
Prout, Andrew
Rung, Rosemarie
Stack, Kathryn
Toomey, Dan
Thomas, Wendy**MERRIMACK**Bartlett, Christy
Ellison, Arthur
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary BethCarson, Clyde
Fox, Samantha
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, SafiyaDoherty, David
Fulweiler, Joyce
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, KennethEbel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary**ROCKINGHAM**Altschiller, Debra
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Cali-Pitts, JacquelineBunker, Lisa
Cushing, Robert RennyBushway, Patricia
Desilets, Joel

DiLorenzo, Charlotte
Grossman, Gaby
Loughman, Tom
McBeath, Rebecca
Read, Ellen
Warner, Anne

Edgar, Michael
Grote, Jaci
Lovejoy, Patricia
McConnell, Liz
Somssich, Peter
Yokela, Josh

Eisner, Mary
Murray, Kate
Maggiore, Jim
Meuse, David
Vallone, Mark

Gilman, Julie
Le, Tamara
Malloy, Dennis
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Salloway, Jeffrey
Treleven, Susan

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Fargo, Kristina
Horrigan, Timothy
Smith, Marjorie
Sandler, Catt
Vincent, Kenneth

Chase, Wendy
Fontneau, Timothy
Keans, Sandra
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Conley, Casey
Gourgue, Amanda
Kenney, Cam
Rich, Cecilia
Towne, Matthew

SULLIVAN

Cloutier, John

O'Hearne, Andrew

Oxenham, Lee

Sullivan, Brian

NAYS - 155

BELKNAP

Aldrich, Glen
Fields, Dennis
Plumer, John
Varney, Peter

Bean, Harry
Howard, Raymond
Spanos, Peter

Comtois, Barbara
Jurius, Deanna
Sylvia, Michael

Feeney, George
Mackie, Jonathan
Tilton, Franklin

CARROLL

Avellani, Lino
MacDonald, John

Comeau, Ed
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Fothergill, John

Furbush, Michael

Merner, Troy

GRAFTON

Diggs, Francesca
Migliore, Vincent Paul

Hennessey, Erin

Ladd, Rick

Maes, Kevin

HILLSBOROUGH

Lekas, Alicia
Bergeron, Paul
Camarota, Linda
Flanagan, Jack
Greene, Bob
Ober, Lynne
Murphy, Nancy
Plett, Fred
Rice, Kimberly
Lekas, Tony

Alexander, Joe
Boehm, Ralph
Danielson, David
Gagne, Larry
Hinch, Richard
Lascelles, Richard
Notter, Jeanine
Proulx, Mark
Newman, Sue
Ulery, Jordan

Barry, Richard
Burns, Charles
Erf, Keith
Gould, Linda
Hopper, Gary
Marzullo, JP
Nunez, Hershel
Ober, Russell
Sanborn, Laurie
Warden, Mark

Belanger, James
Burt, John
Fedolfi, Jim
Graham, John
L'Heureux, Robert
McLean, Mark
Panasiti, Reed
Renzullo, Andrew
Somero, Paul
Whittemore, James

MERRIMACK

Allard, James
Kotowski, Frank
Seaworth, Brian

Hill, Gregory
Marple, Richard
Wolf, Dan

Horn, Werner
McGuire, Carol
Yakubovich, Michael

Klose, John
Pearl, Howard

ROCKINGHAM

Abbas, Daryl
Baldasaro, Al
Costable, Michael
DeSimone, Debra
Elliott, Robert
Guthrie, Joseph
Osborne, Jason
Khan, Aboul
Griffin, Mary
McMahon, Charles
Packard, Sherman
Roy, Terry
Torosian, Peter
Welch, David

Abrami, Patrick
Barnes, Arthur
Davis, Dan
Dolan, Tom
Fowler, William
Harb, Robert
Janigian, John
Kolodziej, Walter
Pearson, Mark
Melvin, Charles
Piemonte, Tony
Pearson, Stephen
True, Chris
Weyler, Kenneth

Abramson, Max
Bershtein, Alan
Thomas, Douglas
Doucette, Fred
Gay, Betty
Hobson, Deborah
Janvrin, Jason
Love, David
Major, Norman
Milz, David
Potucek, John
Spillane, James
Verville, Kevin

Acton, Dennis
Chirichiello, Brian
DeClercq, Edward
Edwards, Jess
Green, Dennis
Hoelzel, Kathleen
Katsakiores, Phyllis
Lundgren, David
McBride, Everett
Owens, Becky
Pratt, Kevin
Sytek, John
Wallace, Scott

STRAFFORD

Harrington, Michael
McNally, Jody
Rooney, Abigail

Hayward, Peter
Opderbecke, Linn
Spang, Judith

Horgan, James
Perreault, Mona
Wuelper, Kurt

Kittredge, Mac
Pitre, Joseph

SULLIVAN

Aron, Judy
Merchant, Gary

Callum, John
Rollins, Skip

Laware, Thomas
Stapleton, Walter

Lucas, Gates
Smith, Steven

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

HB 481-FN-A-L, relative to the legalization and regulation of cannabis and making appropriations therefor.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Richard Ames for the Majority of Ways and Means. This bill provides for the legalization, regulation, and taxation of cannabis and cannabis products for use by adults age 21 and over. On February 27, following a 209-147 House Ought to Pass vote, the bill was sent to the Ways and Means Committee for second committee review of the bill's revenue-related components. The resulting majority amendment makes several important revisions to the bill's well-crafted regulatory provisions. With regard to taxation, the amendment removes the original bill's proposal for a fixed excise tax at the cultivator/ wholesale level of \$30 per ounce on cannabis flowers (and lower rates per ounce on other parts of the cannabis plant). Instead, the amended bill levies a tax at two levels: a 5% tax on the wholesale/ cultivator sales price; and a 9% tax on the retail cannabis store sales price. This method of taxation is similar to that used for our existing taxes on other tobacco products and on meals and rentals. The proposed cannabis tax rates, taken together with the other fees and fines established by the bill, will be below comparable rates in other competing states (for example, the effective rate in Massachusetts, combining local and state taxes but excluding fees, ranges from 17% to 20% of price). Mandated annual tax and fee reports by the new Cannabis Control Commission to the legislature will ensure timely review of the continuing viability of this tax and fee system. The price sensitivity of the proposed tax system, and the relatively low rates, are designed to enable the legal market to compete with, shrink, and eventually displace the black market, a principal goal of the bill. Projecting from work reported by the 2018 Marijuana Commission and from the revenue experiences of other states, the majority expects that this tax plan will produce more revenue in the start-up years than would be generated by the original bill's \$30 per ounce proposal. Given market and start-up uncertainties, however, the majority believes that the fiscal note estimate attached to the original version of the bill, which projected a starting revenue range per year of about \$19.7 million to \$31.2 million, should continue to be used for budgeting purposes. This level of revenue will be more than sufficient to cover all projected Cannabis Control Commission and Department of Revenue Administration (DRA) administrative costs. The majority amendment requires that all revenues flow into a new Cannabis Control Fund and subjects all expenditures from the fund to the regular appropriation process. The amended bill identifies funding priorities (29% for education, prevention, treatment, and recovery programs; 5% for public safety drug-related work; 33% for broad-based and other aid to municipalities; and 33% for the general fund) for legislative allocation by appropriation of revenues above amounts appropriated for administrative costs. The amended bill also provides start-up appropriations for the new Cannabis Control Commission and for the DRA. At the prime sponsor's request, all references to hemp were removed in deference to other relevant legislative initiatives. Vote 14-6.

Rep. Patrick Abrami for the Minority of Ways and Means. The Commission to Study the Legalization, Regulation, and Taxation of Marijuana concluded that NH should not legalize and commercialize marijuana for the revenue other than to pay for regulation as well as for addiction prevention and treatment. In making that recommendation, the commission concluded that addiction was real and that with THC levels now in the 15-30% level and concentrates like "shatter" reaching 94% THC, the reality of addiction will only grow. This amended bill calls for a tax of 5% at the cultivator level and 9% at the retail level which does not uphold the commission's recommendation. Using commission data, revenues will reach a level more than is needed for regulation as well as for addiction prevention and treatment. The reason this is a problem is that the legislature will quickly become addicted to this revenue, making it difficult for the program to be terminated if future metrics show that the many warnings of the negative effects to society, as discussed in the policy debate, come true. Once this program begins, there will be no turning back. Taxing at a percentage of product cost, instead of based on weight at the cultivator level only, as per the original bill, will require more resources for the Department of Revenue Administration to administer. It should be noted that the tax at the retail level is a sales tax. Taxing at the retail level means that higher potency products will now bring in more tax revenue. Knowing that these products are more addictive will make the state an unwitting partner to addiction. One provision allocates 23% of the revenue, after funding regulation and the Department of Safety's Information and Analysis Center Drug Monitoring Initiative, to municipalities, and may include special allocations to certain towns. This violates a long-standing tradition in NH that municipalities benefit equally based upon a metric such as population. A disproportionate allocation which favors municipalities who have a marijuana retail store, grow site, or manufacturing business may entice municipalities not to opt-out. The bill actually should have an opt-in provision to ensure residents of a town or a city council have a say before allowing a marijuana business to move in. The last 5% of revenue allocation goes to public agencies in part to train additional drug recognition experts because no

roadside impairment test exists. Lawyers told the commission that these non-quantitative methods never hold up in court. With marijuana still illegal at the federal level, no NH bank will touch marijuana money meaning that taxes will be paid in cash. In addition, there will be no revenue to the state from cross border sales like we get from tobacco or alcohol because such sales will be illegal. Remember that just because other states around us are legalizing and commercializing marijuana does not mean NH has to as well. NH can still keep its brand as a wholesome place to raise a family, have a business, and to have visitors come which can only help state revenue.

Majority Amendment (1310h)

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 allowing law enforcement to focus on violent and property crimes, generating revenue for education, prevention, treatment, and recovery related to the use of both legal and illegal drugs and for other public purposes, and advancing individual freedom, the people of the state of New Hampshire find and declare that the use of cannabis by a person 21 years of age or older should be legal and subject to reasonable regulation and taxation.

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 cannabis should be regulated in a manner similar to alcohol so that:

(a) Individuals will have to show proof of age before purchasing cannabis.

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

(c) Driving under the influence of cannabis shall remain illegal.

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

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

(f) Some of the tax revenue generated from legal cannabis sales will be used to support programs for education, prevention, treatment, and recovery related to the use of both legal and illegal drugs.

2 New Subparagraph; Application of Receipts; Cannabis Control Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the cannabis control fund established in RSA 318-F:23.

3 Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read as follows:

(d) A valid passport ~~[from]~~ **issued by the United States or by** a country with whom the United States maintains diplomatic relations.

4 Controlled Drug Act; Drug Forfeiture Fund. Amend RSA 318-B:17-c, I to read as follows:

I. There is hereby established within the office of the state treasurer a special revolving fund to be designated as the drug forfeiture fund. This fund shall be administered by the attorney general and may be used to pay the costs of local, county and state drug related investigations, **costs of collection of baseline data related to marijuana regulation**, as well as drug control law enforcement programs within New Hampshire. The fund may also be used to pay extraordinary costs of local, county and state drug prosecutions and trial expenses.

5 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, 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**.

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

CHAPTER 318-F REGULATION OF CANNABIS

318-F:1 Definitions. In this chapter:

I. "Alternative treatment center" means an entity as defined in RSA 126-X:1, I.

II. "Consumer" means a person 21 years of age or older who purchases cannabis or cannabis products for personal use by a person 21 years of age or older, but not for resale.

III. "Commission" means the cannabis control commission established in RSA 318-F:7.

IV. "Department" means the department of health and human services.

V. "Disqualifying offense" means a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction in which the person was convicted, but not including:

(a) An offense for which the sentence, including any term of probation, incarceration, or supervised release was completed 5 or more years earlier; or

(b) An offense prior to the effective date of this chapter that consisted of cultivation or possession of an amount of cannabis not exceeding the possession limit.

VI. "Immature cannabis plant" means a cannabis plant that has not flowered and that does not have buds that may be observed by visual examination.

VII. "Cannabis" 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 cannabis concentrate. "Cannabis" shall

not include hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

VIII. “Cannabis accessories” or “cannabis paraphernalia” means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

IX. “Cannabis cultivation facility” or “cultivation facility” means an entity registered to cultivate, prepare, and package cannabis, and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumers. A cannabis cultivation facility shall not produce cannabis concentrates, tinctures, extracts, or other cannabis products.

X. “Cannabis establishment” means a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, a retail cannabis store, a cannabis transporter, or any other type of cannabis business authorized and registered by the commission.

XI. “Cannabis product manufacturing facility” or “product manufacturing facility” means an entity registered to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

XII. “Cannabis products” means concentrated cannabis products and cannabis products that are comprised of cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

XIII. “Cannabis testing facility” or “testing facility” means an entity registered to test cannabis for potency and contaminants.

XIV. “Cannabis transporter” means an entity registered to transport cannabis between cannabis establishments.

XV. “Municipality” means a city, town, or an unincorporated place.

XVI. “Possession limit” means:

- (a) One ounce of cannabis in plant form;
- (b) Five grams of concentrated cannabis, including hashish;
- (c) Cannabis products containing no more than 500 milligrams of THC;
- (d) Six cannabis plants, no more than 3 of which may be mature; and provided that no more than 12 plants, and no more than 6 mature plants, may be cultivated at any single dwelling unit regardless of the number of adults over the age of 21; and
- (e) Any additional cannabis produced by the person’s cannabis plants, provided that any amount of cannabis in excess of one ounce of cannabis, 5 grams of concentrated cannabis, and cannabis products containing no more than 500 milligrams of THC shall be possessed in the same secure facility where the plants were cultivated.

XVII. “Public place” means any place to which the general public has access.

XVIII. “Retail cannabis store” or “retail store” means an entity registered to purchase cannabis from cannabis cultivation facilities, to purchase cannabis and cannabis products from cannabis product manufacturing facilities, and to sell, transfer, and deliver cannabis and cannabis products to consumers.

XIX. “Resident” means a natural person who:

- (a) Is domiciled in New Hampshire; and
- (b) Has maintained a place of abode in New Hampshire for at least the past 2 years, unless the individual was homeless and residing in New Hampshire for at least 51 percent of the last 2 years.

XX. “Inflation” means the 12-month percentage change in the consumer price index for all urban consumers, northeast region as published by the Bureau of Labor Statistics, United States Department of Labor.

318-F:2 Personal Use of Cannabis.

I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, using, displaying, growing, obtaining, purchasing, processing, producing, or transporting an amount of cannabis that does not exceed the possession limit, except that no adult other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer may perform extractions using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.

(b) Transporting no more than 6 cannabis plants, including no more than 3 mature plants, to his or her primary residence.

(c) Transferring an amount of cannabis that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this section, a transfer is for remuneration

if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of cannabis is contingent upon a separate transaction for goods or services.

- (d) Transferring or selling cannabis seeds or up to 6 cannabis seedlings to cannabis cultivation facilities.
- (e) Transferring cannabis, including cannabis products, to a cannabis testing facility.
- (f) Controlling property where the acts described under this section occur.
- (g) Assisting another person who is 21 years of age or older in any of the acts described under this section.

II. No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with this chapter, nor shall any such officer expend any state or local resources, including the officer's time, to provide any information or logistical support related to such activity to any federal law enforcement authority or prosecuting entity.

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

I. Except as allowed under RSA 126-X, no person who is 21 years of age or older shall cultivate cannabis plants except as provided in this section.

II. Cannabis plants shall not be cultivated in a location where the plants are subject to view from public property or from another person's private property without the use of binoculars, aircraft, or other optical aids.

III. A person who cultivates cannabis shall take reasonable precautions to ensure the plants are secure from access by a person under 21 years of age. Cultivating cannabis 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. Cannabis 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. Any person who violates this section shall be guilty of a violation and may be fined not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense.

318-F:4 Smoking or Vaporizing of Cannabis in Public Prohibited; Penalty. No person shall smoke or vaporize cannabis in a public place. Any person who violates this section shall be guilty of a violation and may be fined not more than \$100.

318-F:5 Smoking or Vaporizing of Cannabis in a Moving Vehicle Prohibited; Penalty.

I. No person shall consume cannabis while driving or attempting to drive a motor vehicle on a way, or while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.

II. No person shall smoke or vaporize cannabis while the person is a passenger in a motor vehicle that is being driven on any way.

III. Any person who violates this section shall be guilty of a violation and may be fined not more than \$500, or have his or her driver's license suspended for up to 6 months, or both, for the first violation.

IV. Any person who violates this section shall be guilty of a violation and may be fined not more than \$1,000 or have his or her driver's license suspended for up to one year, or both, for a second or subsequent violation.

V. In this section, "way" shall have the same meaning as in RSA 265-A:44.

318-F:6 Cannabis Accessories Authorized.

I. Except as provided by this section, 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 cannabis accessories, or to distribute or sell cannabis accessories to a person who is 21 years of age or older.

II. Except as provided by this section, a person who is 21 years of age or older, or a business entity, may manufacture, possess, obtain, and purchase cannabis paraphernalia, and may distribute, deliver, or sell cannabis paraphernalia to a person who is 21 years of age or older.

III. No person or entity shall manufacture, distribute, or sell cannabis accessories that violate reasonable regulations enacted by the cannabis control commission. Any person or entity that violates this paragraph shall be guilty of a violation for a first offense and subject to a fine of up to \$1,000 and forfeiture of the cannabis accessories. A person shall be guilty of a class A misdemeanor for a second or subsequent offense and shall forfeit the cannabis accessories.

318-F:7 Cannabis Control Commission.

I. There is hereby established a cannabis control commission, which shall have regulatory and licensing authority over cannabis establishments. The commission shall consist of the chairperson of the commission, 2 commissioners, and staff.

II. No later than 30 days after the effective date of this chapter, the governor shall nominate the chairperson of the commission and the commissioners, who shall be confirmed with the advice and consent of the executive council following a public hearing before the executive council. Vacancies shall be filled in like manner for the unexpired term.

(a) The chairperson of the commission shall serve a term of 6 years.

(b) Commissioners shall each serve a term of 4 years.

(c) The chairperson of the commission and commissioners shall be appointed based on their ability and commitment to fully implement the provisions of this chapter as demonstrated by expertise in a vertically integrated enterprise operating in a regulated environment along with preferred competencies in public health or the production and distribution of cannabis or cannabis products. No person shall be appointed chairperson of the commission or a commissioner if the person is opposed to making cannabis legal and regulated for adults 21 and older at the time of the passage of this chapter.

(d) The chairperson shall be a full-time unclassified employee and shall engage in no other gainful employment during his or her term.

(e) The annual salary of the commission chairperson shall be as specified in RSA 94:1-a and shall be established by the joint committee on employee classification pursuant to the procedure set forth in RSA 14:14-c and RSA 94:1-d. The chairperson shall receive his or her reasonable expenses while traveling in the performance of his or her duties, provided that the chairperson shall not be allowed as expenses travel between his or her place of residence and the commission chairperson's office in Concord, nor shall the commission chairperson be allowed board or lodging while in Concord.

(f) Except as provided in this section, each commissioner shall be paid \$200 a day, or \$100 per half-day, plus mileage at the state employee rate while engaged in his or her official duties. These rates shall be adjusted annually to account for inflation or deflation based on the consumer price index.

III.(a) The chairperson of the commission shall be appointed and commissioned as such and shall be the administrative head of the commission.

(b) The commission shall meet at least once per month for the 12 months after the effective date of this section and at least once every 3 months thereafter.

(c) The chairperson of the commission shall lead the administration of the commission and oversee the licensing and regulation of cannabis, with guidance from the commissioners.

(d) The commission may hire and terminate such staff necessary to carry out the purpose of the commission and to fix their compensation, subject to the rules of the director of personnel. The commission may authorize expenditures that are reasonably necessary for the administration of this chapter and may secure any necessary technical or professional assistance.

IV.(a) The commission may, subject to rules adopted by the director of personnel, employ and dismiss cannabis control investigators. Cannabis control investigators shall, under the direction of the commission, investigate any or all matters arising under this chapter.

(b) Any cannabis control investigator employed by the commission shall, within 6 months of employment, satisfactorily complete a police training program as provided by RSA 106-L:6, unless he or she has already completed such a program.

(c) The chairperson of the commission, commissioner, staff, or cannabis control investigator may enter any cannabis establishment, at any time, and may examine any registration issued or purported to have been issued under the terms of this chapter.

V. The chairperson of the commission and commissioners shall not have any interest, directly or indirectly, in any business under the jurisdiction of the commission or any other cannabis business.

VI. The governor and council may remove a chairperson of the commission or a commissioner for neglect of duty, misconduct, or malfeasance in office, after providing the individual with a written statement of the charges and an opportunity to be heard.

VII. No member of the commission shall render any professional service for any cannabis establishment in this state, or any affiliate thereof, or act as attorney or render professional service against any such cannabis establishment or affiliate; nor shall he or she be a member of a firm which renders any such service; nor shall he or she directly or indirectly be a party to any contract with any such cannabis establishment. This prohibition shall remain in force for 12 months following membership on the commission.

VIII. In addition to any other type of behavior or activity of a chairperson of the commission or commissioner that is proscribed by law, a chairperson of the commission or commissioner shall conduct himself or herself in accordance with a code of ethics that shall include, but not be limited to, the following elements:

(a) Avoidance of impropriety and the appearance of impropriety in all of his or her activities;

(b) Performance of his or her duties impartially and diligently;

(c) Avoidance of all ex parte communications concerning a case pending before the commission;

(d) Abstention from public comment about a matter pending before the commission and require similar abstention on the part of commission personnel;

(e) Require staff and personnel, subject to commission direction, to observe the standards of fidelity and diligence that apply to the chairperson of the commission and commissioners;

(f) Initiate appropriate disciplinary measures against commission personnel for unprofessional conduct;

(g) Disqualify himself or herself from proceedings in which his or her impartiality might be reasonably questioned;

(h) Inform himself or herself about personal and fiduciary interests and make a reasonable effort to inform himself or herself about the personal financial interests of his or her spouse and minor children;

(i) Regulate his or her extracurricular activities to minimize the risk of conflict with his or her official duties;

(j) Refrain from solicitation of funds for any political purpose, nor shall they be listed as an officer, director, or trustee of such organizations; and

(k) Refrain from financial or business dealings that would tend to reflect adversely on his or her impartiality.

IX. The chairperson of the commission or a commissioner may speak, write, or lecture concerning the regulatory process in New Hampshire but shall be reimbursed only for actual expenses incurred therein.

X. No chairperson of the commission or commissioner shall accept any employment with any cannabis establishment regulated by the commission until one year after he or she shall become separated from the commission.

XI. The commission shall be provided with suitable offices in the city of Concord and shall adopt a proper seal.

XII. The commission shall be provided with an office in which its records, documents, and books shall be kept, and with a suitable room in which it may hold hearings.

XIII. The commission may confer and cooperate with any other state or local agency in any matter relating to its duties.

318-F:8 Cannabis Advisory Board.

I. There shall be a cannabis advisory board to study and make recommendations consistent with the purpose and findings of this chapter on the regulation of cannabis and cannabis products in New Hampshire.

II. The board shall consist of 11 members appointed by the governor and shall consist of: one expert in cannabis cultivation, one expert in cannabis retailing, one expert in cannabis product manufacturing, one expert in cannabis testing, one board member or officer of an alternative treatment center, one registered medical cannabis patient, one individual who represents cannabis consumers, one expert in public health, one expert in law enforcement, one expert in social welfare or criminal justice, and one attorney with experience providing legal services to cannabis businesses, cannabis consumers or medical cannabis patients.

III. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties, including mileage at the state employee rate for attendance to meetings and other official functions.

IV. The board shall meet at the discretion of the commission, but shall meet no less frequently than once every 2 months for the first 9 months after the effective date of this section.

V. A majority of the members of the board present and voting shall constitute a quorum.

VI. The cannabis advisory board shall:

(a) Advise the commission on regulations to ensure the thorough and efficient implementation of this chapter.

(b) Advise the commission on what additional types of cannabis establishments, if any, the commission, should register.

(c) Consider all matters submitted to it by the commission.

(d) Hold a hearing to solicit public input no less frequently than once every 6 months, including input on the availability of reasonably priced therapeutic cannabis at alternative treatment centers that are now co-located or otherwise affiliated with retail cannabis stores.

(e) Advise the commission spending and recommending any modifications to ensure the thorough and efficient implementation of this chapter.

(f) Make recommendations for changes to the law and regulations for once federal law allows interstate cannabis sales.

318-F:9 Regulation of Cannabis.

I. Not later than March 1, 2020, the commission shall adopt rules, pursuant to RSA 541-A, for the registration, regulation, and taxation of cannabis cultivation facilities. Not later than June 1, 2020, the commission shall adopt rules, pursuant to RSA 541-A, for the registration, regulation, and taxation of all other cannabis establishments and on the manufacture and sale of cannabis accessories. The rules shall include the following:

(a) Procedures for the issuance, denial, renewal, suspension, and revocation of a registration for cannabis establishments, including procedures to hear complaints and impose penalties if cannabis establishments that are affiliated with or co-located with alternative treatment centers fail to provide an adequate supply and variety of therapeutic cannabis and cannabis products for qualifying patients.

(b) A schedule of reasonable application, registration, and annual renewals, provided:

(1) That the non-refundable portion of application fees shall not exceed \$1,000, adjusted annually for inflation with this upper limit adjusted annually for inflation;

(2) The application, registration, and annual renewal fees for the smallest tier of cultivation facilities may not exceed \$250; and

(3) All other registration and annual renewal fees shall not exceed \$10,000.

(c) Qualifications for registration that are directly and demonstrably related to the operation of a cannabis establishment and which may not disqualify applicants solely for cannabis offenses prior to the effective date of this chapter.

(d) Regulations to create at least 3 tiers of cultivation facilities, based on the size of the facility or the number of plants cultivated; security regulations and licensing fees shall vary based on the size of the cultivation facility.

(e) Record keeping requirements for cannabis establishments, including requirements for implementation and compliance with the tracking system required by RSA 318-F:9, IV.

(f) Requirements for the transportation of cannabis between cannabis establishments, including documentation that shall accompany any cannabis being transported by cannabis cultivation facilities.

(g) Procedures for the delivery of cannabis to consumers, including documentation that shall accompany any cannabis being transported to consumers.

(h) A schedule of civil fines as are authorized in this chapter for violations of chapter requirements, provided that, not later than September 1, 2020, the commission shall report to the chairpersons of the house and senate ways and means committees its proposal for a fine schedule and for legislation needed to implement the schedule.

(i) Procedures for hearings on civil fines and suspensions and revocations of a cannabis establishment registration.

(j) Reasonable security requirements for each type of cannabis establishment, which may be varied based on the size of the cannabis establishment.

(k) Health and safety rules, including regarding the packaging and preparing of cannabis and restricting the use of pesticides that may be dangerous to cannabis consumers.

(l) Restrictions on the advertising, signage, marketing, and display of cannabis, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching minors, restrictions to prevent cannabis from being marketed to minors, a prohibition on promotional products, and a prohibition on giveaways of cannabis, cannabis products, or cannabis accessories. The department may require that any advertising for cannabis or cannabis products include a standard, recognizable symbol.

(m) Restrictions on where a cannabis cultivation facility may be located, consistent with the provisions of this chapter.

(n) Restrictions on the hours of sale when a retail cannabis store may sell cannabis and cannabis products, provided the regulations shall not allow retailers to begin sales before 6:00 a.m. or to sell cannabis or cannabis products after 11:45 p.m.

(o) Labeling requirements for cannabis products, including:

(1) Mandating the disclosure of the THC content of each product;

(2) Requirements for packaging to ensure it is not designed to appeal to minors; and

(3) Establishing the amount of THC that may be included in each serving of a cannabis product.

(p) Health and safety rules and standards for the manufacture of cannabis products, including:

(1) Restrictions or prohibitions on additives to products that are toxic, designed to make the product more appealing to children, or misleading to consumers;

(2) Safety standards regulating the manufacture of cannabis extracts and concentrates; and

(3) A prohibition on the inclusion of nicotine and other additives to products that are designed to make the product more addictive.

(q) Standards for the operation of testing laboratories, including requirements for equipment and qualifications for personnel.

(r) Requirements for the testing of cannabis, including:

(1) Requirements to ensure at a minimum that products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous pesticides and harmful microbials, such as *E. coli* or salmonella;

(3) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such products shall be immediately quarantined and immediate notification to the commission shall be made. The adulterated product shall be documented and properly destroyed;

(4) That testing shall also verify THC potency representations for correct labeling;

(5) That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations; and

(6) That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility.

(s) Requirements for any cannabis establishments that have shared management or ownership with alternative treatment centers, including to:

(1) Provide for separate storage of any cannabis that will be transferred to qualifying patients or designated caregivers pursuant to RSA 126-X, and a separation of cannabis sales to qualifying patients and consumers, such as by requiring separate counters;

(2) Ensure fair competition between vertically integrated cannabis establishments and other cannabis establishments, including by requiring any vertically integrated retail cannabis stores to stock and reasonably price a variety of products from cannabis establishments it is not affiliated with; and

(3) Provide penalties for any cannabis establishments affiliated with alternative treatment centers that increase prices for qualifying patients beyond the rate of inflation as a result of their cannabis establishment registrations.

(t) Reasonable health and safety restrictions on cannabis accessories that may be manufactured or sold in New Hampshire, including a prohibition on any vaporization device that includes toxic or addictive additives. The commission may prohibit types of vaporizers that are particularly likely to be utilized by minors without detection, but may not completely ban or unreasonably restrict the manufacture or sale of vaporization devices.

II.(a) In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a retail cannabis store with personal information other than government-issued identification to determine the consumer's age, and a retail cannabis store shall not be required to acquire and record personal information about consumers.

(b) In order to ensure that individual privacy is protected, no cannabis establishment may record or store a consumer's name, address, purchases, or contact information unless the consumer consents in writing. No cannabis establishment may make granting permission for the collection or storage of the above information a condition of a consumer purchasing cannabis from the establishment.

III. Not later than May 1, 2020, the commission, in consultation with the department, shall develop an informational handout, which retail stores shall make available to all consumers, and which shall include information on:

(a) Methods for administering cannabis and how long cannabis may impair a person after it is ingested in each manner; and

(b) How to recognize problematic usage of cannabis and how to obtain appropriate services or treatment for problematic usage.

IV. The commission shall require all cannabis establishments to utilize a system, including use of a universal product code, for tracking the transfer of cannabis and cannabis products between licensed cannabis establishments and the sale of cannabis and cannabis products to consumers. The system shall ensure an accurate accounting of the production, processing, and sale of cannabis and cannabis products and shall enable separate tracking of cannabis flowers, immature cannabis plants, and other parts of cannabis sold from cannabis cultivation facilities. The commission may develop and maintain a system that satisfies the requirements of this section, or it may select a vendor to develop and maintain a system.

V. No later than September 1, 2021, and every year thereafter, the commission shall reevaluate the tax rate and method of taxation established in RSA 77-H, and the fines and penalties established in RSA 318-F, and shall report in writing on its findings and recommendations to the chairpersons of the house and senate ways and means committees.

318-F:10 Registration Procedures for Cannabis Establishments.

I. Each application for a registration to operate a cannabis establishment shall be submitted to the commission.

II. Each application shall include both the fee established by the commission and a \$500 fee for the municipality to review the application, except that the fee shall be \$75 in the case of the smallest tier of cultivation facilities.

III. The commission shall:

(a) Accept and process applications beginning no later than May 1, 2020 for cannabis cultivation facilities, beginning no later than August 1, 2020 for cannabis product manufacturing facilities, cannabis transporters, and cannabis testing facilities, and beginning no later than September 1, 2020 for retail cannabis stores;

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

(c) Issue a registration to the applicant within 90 days after receipt of an application unless:

(1) The commission finds the applicant is not in compliance with the requirements of this chapter or rules adopted under this chapter;

(2) The commission is notified by the relevant municipality that the applicant is not in compliance with an ordinance adopted pursuant to this chapter and in effect at the time of application; or

(3) More qualified applicants have applied than the number of registrations available in the municipality, and the applicant was not selected.

IV. Each registration applies to a single parcel of real property. Any additional address requires a separate application and registration.

V. A renewal application may be submitted up to 90 days prior to the expiration of the cannabis establishment's registration. The renewal application shall be granted within 30 days of its submission unless the applicant has not paid the fee, the cannabis establishment's registration is suspended or revoked, or the cannabis establishment has a pattern of violations of this law, the rules issued pursuant to it, or municipal regulations.

318-F:11 Enactment of Municipal Ordinances.

I. A municipality may enact an ordinance prohibiting or limiting the number and type of cannabis establishments that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment, which is permitted within the municipality.

II. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a registration to operate a cannabis establishment within the municipality. The entity designated by the municipality shall be responsible for indicating whether the application is in compliance with municipal ordinances.

318-F:12 Financial Interests Prohibited.

I. No cannabis testing facility or individual with a controlling interest in a cannabis testing facility shall have a direct or indirect financial interest in a retail cannabis store, a cannabis cultivation facility, or a cannabis product manufacturing facility.

II. Prior to January 1, 2023, no person or business entity may have a controlling interest in more than 3 cannabis establishments of any single category.

III. Beginning January 1, 2023, no person or business entity may have a controlling interest in more than 20 percent of operational cultivation facilities, product manufacturing facilities, or retail cannabis stores, unless the person or business entity has a controlling interest in no more than 3 cannabis establishments of a single category. After January 1, 2023, no person or business entity may have a controlling interest in more than 50 percent of cannabis testing facilities, unless the person or entity has a controlling interest in no more than 3 cannabis testing facilities.

IV. In this section, "controlling interest" means a financial or voting interest of 10 percent or greater in a cannabis establishment.

318-F:13 Residency Required.

I. Except as provided in this section, any person applying for a cannabis establishment registration shall have been a resident, or shall have at least one director, officer, or partner who has been a New Hampshire Resident, for at least 3 years immediately preceding the date of application.

II. This section shall not apply to an applicant for a testing facility registration.

318-F:14 Background Checks Required.

I. A cannabis establishment shall conduct a state and federal background check prior to making a final offer of employment to a prospective manager or operator.

II. No cannabis establishment shall employ any person who has been convicted of a disqualifying offense as an officer, manager, director, or general partner. No person convicted of a disqualifying offense shall work as an officer, director, manager, or general partner of a cannabis establishment or serve on the board of a cannabis establishment.

318-F:15 Restrictions on Location. No cannabis establishment shall operate, nor shall a prospective cannabis establishment apply for a registration, if:

I. The establishment would be located within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school, unless the municipality where the establishment seeks to operate has established a smaller distance limitation; or

II. The establishment sells alcohol for consumption.

318-F:16 Informational Materials and Warning Labels.

I. A retail cannabis store shall include an informational handout designed by the commission in consultation with the department with all cannabis and cannabis products sold to consumers.

II. All cannabis and cannabis products sold by a retail cannabis store shall include warning labels that provide the following information: "Warning: This product has intoxicating effects. For use by adults 21 and older. Keep out of reach of children." The department may require a standard, recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are included in the product.

III. All cannabis products sold by retail cannabis stores shall include:

(a) A warning label that provides, "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by up to 2 hours," unless the department determines that a different time frame should be specified.

(b) A disclosure of ingredients and possible allergens.

(c) A nutritional fact panel.

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. section 1700.20.

318-F:17 Lawful Operation of Cannabis-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 cannabis or cannabis products; obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility; or sale, delivery, or distribution of cannabis or cannabis products to an adult who is 21 years of age or older or to retail cannabis stores, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a retail cannabis store or is acting in his or her capacity as an owner, employee, or agent of a registered retail cannabis store.

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

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

IV. Possessing, obtaining, cultivating, processing, storing, transporting, receiving, or displaying cannabis or cannabis products if the person or business entity has obtained a current, valid registration to operate a cannabis testing facility or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis testing facility.

V. Engaging in any activities involving cannabis or cannabis products if the person or business entity conducting the activities has obtained a current, valid registration to operate a cannabis establishment or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis establishment, and the activities are within the scope of activities allowed by the commission for that type of cannabis establishment.

VI. Possessing, obtaining, cultivating, processing, storing, transporting, or receiving cannabis obtained from a cannabis establishment or transporting, delivering, or transferring cannabis to a cannabis establishment if the person or business entity has obtained a current, valid registration to operate a cannabis transporter or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis transporter.

VII. Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; or obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility if the person or business entity conducting the activities described in this paragraph possesses a valid registration to operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or agent of a registered alternative treatment center.

VIII. 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 chapter.

IX. Selling, offering for sale, transferring, transporting, or delivering cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a current, valid registration to operate a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility.

318-F:18 Proof of Purchaser's Identity.

I. For the purposes of this chapter, any person or entity making the sale of cannabis or cannabis accessories to any purchaser whose age is in question may accept any official documentation listed in RSA 179:8 as proof that the purchaser is 21 years of age or older.

II. The establishment of all of the following facts by a retail cannabis store or an agent or employee of a retail cannabis store making a sale of cannabis or cannabis accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

(a) That the person presented what an ordinary and prudent person would believe to be valid documentation of a type listed in RSA 179:8.

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older.

318-F:19 Driving; Minors; and Control of Property.

I. 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 cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, 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 cannabis.

III. 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 cannabis on or in the correctional facility's property.

IV.(a) Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

(b) In the case of the rental of a residential dwelling, a landlord shall not prohibit the possession of cannabis or the consumption of cannabis by non-smoked means unless:

- (1) The tenant is a roomer who is not leasing the entire residential dwelling;
- (2) The residence is incidental to the provision of educational, counseling, religious, or similar service;
- (3) The residence is a transitional housing facility; or
- (4) Failing to prohibit cannabis possession or consumption would violate federal law or regulations

or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(c) This chapter shall not prevent a landlord from prohibiting cannabis smoking or cannabis cultivation.

(d) An adult who is 21 or older may use cannabis on privately owned real property only with permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a person to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

318-F:20 Enforcement of Contracts. Contracts related to the operation of a cannabis establishment registered pursuant to this chapter shall be enforceable. No contract entered into by a registered cannabis establishment or its employees or agents as permitted pursuant to a valid registration, or by those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to a valid registration, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is prohibited by federal law.

318-F:21 Occupational Licensing.

I. A holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to cannabis establishments or applications to operate cannabis establishments on the basis that cannabis is illegal under federal law.

II. An applicant for a professional or occupational license may not be denied a license based on previous employment related to cannabis establishments operating in accordance with state law.

318-F:22 Data Collection Related to Cannabis Regulation. No later than January, 2021, and every 2 years thereafter, the department of safety, information and analysis center, drug monitoring initiative, shall produce and publish a report that includes baseline data and the most current data regarding health and welfare outcomes since cannabis became legal and taxed for adults' use, including but not limited to high school graduation rates; youth and adult rates of alcohol, cannabis, and illegal drug use; rates of maladaptive use of cannabis; rates of alcohol abuse; opiate use and abuse rates; the number and type of youth and adult convictions for cannabis offenses; and the rates of individuals needing but not receiving substance abuse treatment. The report shall also include information on treatment and prevention services provided, education campaigns undertaken, and funding allocated under RSA 318-F:23.

318-F:23 Cannabis Control Fund Established

I. There is established in the state treasury a nonlapsing fund to be known as the cannabis control fund. Moneys credited to the fund shall include deposits into the fund by the commission pursuant to this chapter and deposits into the fund by the commissioner of the department of revenue administration pursuant to RSA 77-H.

II. For the biennium ending June 30, 2023, and every biennium thereafter, the commission shall include the cost of administration of this chapter in the commission's efficiency expenditure request pursuant to RSA 9:4. Appropriations for such costs shall be a charge against the fund.

III. For the biennium ending June 30, 2021, the sum of \$2,000,000 is hereby appropriated to the cannabis control commission for the cost of administration of this chapter. Said sum shall be a charge against the fund.

IV. The commission shall credit all fees and civil penalties imposed under this chapter and all other related moneys received from public or private sources to the fund.

V. After deducting appropriations charged to the fund for the cost of administration of this chapter and RSA 77-H, priorities for the allocation of the remaining funds, subject to appropriation, are as follows:

(a) The sum of \$100,000 annually to the department of safety, information and analysis center, drug monitoring initiative, for data collection and reporting related to the health impacts of cannabis prohibition and cannabis regulation; and

(b) Of the remaining funds:

(1) Twenty-nine percent for use in evidence-based, voluntary programs for substance abuse-related education, prevention, treatment, and recovery, and for scientifically and medically accurate public education campaigns educating youth and adults about the health and safety risks of alcohol, tobacco, cannabis, and other substances, including education campaigns separately targeting youth and adults that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use, including driving under the influence of cannabis.

(2) Thirty-three percent for broad-based aid to municipalities pursuant to an allocation formula identified by the general court in the budget designed to ensure fair distribution of the aid, provided that the commission may recommend special allocations to certain municipalities based on special costs incurred by those municipalities or special benefits contributed by those municipalities due to the occurrence of cannabis related activities within those municipalities.

(3) Five percent to public safety agencies, including police, fire, and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced roadside impaired driving enforcement training, and to assist in responding to drug overdose incidents.

(4) Thirty-three percent to the general fund.

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

CHAPTER 77-H TAXATION OF CANNABIS

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

I. "Commissioner" means the commissioner of the department of revenue administration.

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

III. "Fund" means the cannabis control fund established in RSA 318-F:23.

77-H:2 Tax Imposed.

I. Except as provided in this section, a tax shall be levied upon the sale or transfer of cannabis, directly or via a cannabis transporter, from a cannabis cultivation facility to a retail cannabis store or cannabis product manufacturing facility at the rate of 5 percent of the total sales price received by the cannabis cultivation facility as a consideration for the sale of cannabis or cannabis products.

II. Except as provided in this section, a tax shall be levied at the rate of 9 percent of the total price received by the cannabis retail store as a consideration for the sale of cannabis or cannabis products.

III. The taxes levied pursuant to paragraphs I and II shall not be levied on any transfers of cannabis to retail cannabis stores that are also alternative treatment centers if the untaxed cannabis is stored separately and is reserved for transfers to qualifying patients or designated caregivers pursuant to RSA 126-X.

IV. On the 15th day of each month, every cannabis cultivation facility shall pay the taxes due on the cannabis or cannabis products that the cannabis cultivation facility transferred or sold in the prior calendar month.

V. On the 15th day of each month, every retail cannabis store shall pay the taxes due on the cannabis or cannabis products that the retail cannabis store sold in the prior calendar month.

VI. The commissioner shall collect all taxes, fees, and fines generated pursuant to this chapter and deposit the funds into the cannabis control fund established in RSA 318-F:23. For the biennium ending June 30, 2021, the sum of \$2,000,000 is hereby appropriated to the department for the cost of administration of this chapter. Said sum shall be a charge against the fund. For the biennium ending June 30, 2023, and every biennium thereafter, the commissioner shall include the cost of administration of this chapter in the department's efficiency expenditure request pursuant to RSA 9:4. Appropriations for such cost shall be a charge against the fund.

VII. Every cannabis cultivation facility and every retail cannabis store shall, on or before the fifteenth day of each month, for the previous month, make a return to the commissioner. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the form of such return, the data which it must contain for the correct computation and verification of taxes assessed, record keeping, inspection, and audit requirements. All returns shall be signed by the cannabis cultivation facility or by its authorized representative, subject to the pains and penalties of perjury.

VIII. Every cannabis cultivation facility and every retail cannabis store shall:

(a) Keep such records as may be necessary to determine the amount of its tax liability under this chapter.

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.

(c) Make such records available for inspection and audit by the commissioner or authorized agents, upon demand, at reasonable times during regular business hours.

(d) Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

(e) Any taxpayer records obtained or inspected by the commissioner or his or her agents for the purpose of conducting an audit of the taxpayer's compliance or liability under this chapter shall be kept confidential and not disclosed for any purpose unless required by law.

(f) In any judicial proceeding under this chapter, all taxpayer records and related pleadings shall remain sealed and not disclosed to any non-party to the proceeding for any purpose unless required by law.

8 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:

9 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:

10 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:

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

(c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish, including any adulterants or dilutants~~;~~ **is possessed by a person who is under 21 years of age, or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1 possessed by a person who is 21 years of age or older**, the person shall be guilty of a misdemeanor. ~~[In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.]~~(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, **that is possessed by a person who is under 21 years of age**, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. ~~[In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]~~(e) In the case of a residual amount of a controlled ~~[substance;]~~ **drug, other than marijuana**, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

12 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) ~~[Except as provided in RSA 318-B:2-c,]~~ Controls any premises or vehicle where he or she knows a controlled drug or its analog, **other than marijuana**, is illegally kept or deposited;

13 Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

318-B:2-c ~~[Personal]~~ Possession of Marijuana **by a Person Under 21 Years of Age**.~~[F.]~~ In this section:~~[(a)]~~ **I.** "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.~~[(b)]~~ "Personal-use amount of a regulated marijuana-infused product" means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from

a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.]

II. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. ~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

V. (a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III, ~~or any person 21 years of age or older who is convicted of violating paragraph IV~~ shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II[, **or III** ~~or IV~~], or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[, regulated marijuana-infused products,] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

~~VI.] V.~~ (a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II[, **or III** ~~or IV~~] and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II[, **or III** ~~or IV~~].

(d) Any person ***under 21 years of age who is*** in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[, a personal-use amount of a regulated marijuana-infused product,] or 5 grams or less of hashish, may be arrested for a violation of paragraph II[, **or III** ~~or IV~~].

~~VII.] VI.~~ All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

~~VIII.] VII.~~ (a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph II[, **or III** ~~or IV~~]. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

14 Alcohol or Drug Impairment; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c[, or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-e, I(b)].

15 New Section; Sentences; Annulment of Certain Arrests and Convictions for Cannabis. Amend RSA 651 by inserting after section 5-a the following new section:

651:5-b Annulment of Certain Arrests and Convictions for Cannabis.

I. Any person who was arrested or convicted for knowingly or purposely obtaining, purchasing, transporting, or possessing, actually or constructively, or having under his or her control, $\frac{3}{4}$ of an ounce of cannabis or less where the offense occurred before September 16, 2017 may, notwithstanding the provisions of RSA 651:5, VI or any other law, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of cannabis was $\frac{3}{4}$ of an ounce or less. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on a petition for annulment, the court shall grant the petition if it finds based upon all evidence adduced that it is more likely than not that the amount of cannabis involved in the case was $\frac{3}{4}$ of an ounce or less where the offense occurred before September 16, 2017. In reaching a decision, the court shall not be bound by the rules of evidence and may consider and give appropriate weight to all testimony brought forward by either party, including but not limited to testimony, opinion, and reports. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

II. Any person who was convicted or arrested for knowingly or purposely obtaining, purchasing, transporting, manufacturing, cultivating, or possessing, actually or constructively, or having under his or her control, an amount of cannabis that does not exceed the possession limit, as defined in RSA 318-F:1, at a time when the individual was 21 years of age or older may, notwithstanding the provisions of any other statute including RSA 651:5, VI, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of cannabis was an amount that did not exceed the possession limit. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on a petition for annulment, the court shall grant the petition if it finds based upon all evidence adduced that it is more likely than not that the amount of cannabis did not exceed the possession limit. In reaching a decision, the court shall not be bound by the rules of evidence and may consider and give appropriate weight to all testimony brought forward by either party, including but not limited to testimony, opinion, and reports. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

III. The department of safety may charge the successful petitioner a fee of \$100 for researching and correcting the criminal history record accordingly, unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with RSA 651:5, II. The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit the prosecutor to be heard regarding the interest of justice in regard to the petition.

16 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4 by inserting after paragraph XVIII the following new paragraph:

XIX. A deduction from gross business profits of an amount equal to all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business as a cannabis establishment as defined by RSA 318-F:1 or an alternative treatment center as defined by RSA 126-X:1, including reasonable allowance for salaries or other compensation for personal services actually rendered, notwithstanding any federal tax law to the contrary.

17 Appropriations.

I. The sum of \$100,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of safety, information and analysis center, drug monitoring initiative, for the purpose of collecting baseline data to be used in the reports required pursuant to RSA 318-F:22. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$2,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the cannabis control commission established in RSA 318-F:7 for deposit into the cannabis control fund established in RSA 318-F:23 for the administration of RSA 318-F. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

18 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 cannabis.

II. RSA 318-F:8, relative to the cannabis advisory board.

III. RSA 318-F:13, relative to residency requirements related to cannabis establishments.

19 Effective Date.

I. RSA 318-F:2 through RSA 318-F:6, as inserted by section 6 of this act, shall take effect 60 days after its passage.

II. RSA 318-F:17, I-VIII, as inserted by section 6 of this act, shall take effect July 1, 2019.

III. Paragraph II of section 18 of this act shall take effect July 1, 2025.

IV. Paragraph III of section 18 of this act shall take effect July 1, 2023.

V. RSA 318-F:17, IX, as inserted by section 6 of this act, shall take effect upon certification by the attorney general of New Hampshire to the director of the office of legislative services and the secretary of state that the conduct allowed by that paragraph has become legal under the United States Code.

VI. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.
Majority committee amendment adopted.

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

Reps. Stephen Pearson, Pantelakos, True, Burns, Malloy and Doucette spoke against.

Reps. Ames and Abramson spoke in favor.

Rep. Stringham spoke in favor and yielded to questions.

Rep. Abrami spoke against and yielded to questions.

Rep. Bershtein spoke in favor and yielded to questions.

Rep. Spillane requested a roll call; sufficiently seconded.

YEAS 200 - NAYS 163

YEAS - 200

BELKNAP

Aldrich, Glen
Plumer, John

Bean, Harry
St. Clair, Charlie

Comtois, Barbara
Sylvia, Michael

Huot, David

CARROLL

Burroughs, Anita
Kanzler, Harrison

Butler, Edward
Knirk, Jerry

Comeau, Ed
Ticehurst, Susan

DesMarais, Edith
Woodcock, Stephen

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Thompson, Craig

Ames, Richard
Faulkner, Barry
Ley, Douglas
Schapiro, Joe
Von Plinsky, Sparky

Berch, Paul
Fenton, Donovan
Mann, John
Swinburne, Sandy
Pearson, William

Bordenet, John
Gomarlo, Jennie
Meador, David
Tatro, Bruce
Weber, Lucy

COOS

Craig, Kevin
Noel, Henry

Furbush, Michael
Tucker, Edith

Laflamme, Larry

Moynihan, Wayne

GRAFTON

Adjutant, Joshua
Egan, Timothy
Mulligan, Mary Jane
Sykes, George

Almy, Susan
Ford, Susan
Muscatel, Garrett
Weston, Joyce

Diggs, Francesca
French, Elaine
Ruprecht, Dennis

Dontonville, Roger
Josephson, Timothy
Stringham, Jerry

HILLSBOROUGH

Lekas, Alicia
Baroody, Benjamin
Bosman, James
Cleaver, Skip
Cote, David
Dutzy, Sherry
Hamer, Heidi
Jack, Martin
Komi, Richard
Nunez, Hershel
Petrigno, Peter
Prout, Andrew
Radhakrishnan, Julie
Stevens, Deb
Toomey, Dan
Vann, Ivy
Wilhelm, Matthew

Bouldin, Amanda
Beaulieu, Jane
Bouchard, Donald
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Heath, Mary
King, Mark
Ober, Lynne
Nutter-Upham, Frances
Pickering, Daniel
Query, Joshua
Rung, Rosemarie
Lekas, Tony
Ulery, Jordan
Thomas, Wendy
Williams, Kermit

Bouldin, Andrew
Bernet, Jennifer
Burt, John
Connors, Erika
Desjardin, Kathy
Davis, Fred
Herbert, Christopher
Klee, Patricia
McLean, Mark
Nutting-Wong, Allison
Piedra, Israel
Newman, Ray
Shaw, Barbara
Smith, Timothy
Vail, Suzanne
Warden, Mark

Balch, Chris
Bordy, William
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Griffith, Willis
Indruk, Greg
Klein-Knight, Nicole
Murphy, Nancy
Pedersen, Michael
Porter, Marjorie
Ober, Russell
Stack, Kathryn
Telerski, Laura
Van Houten, Constance
Whittemore, James

MERRIMACK

Bartlett, Christy
Karrick, David

Carson, Clyde
Lane, Connie

Ellison, Arthur
MacKay, James

Fox, Samantha
Marple, Richard

McGuire, Carol
Rodd, Beth
Turcotte, Alan
Wells, Kenneth

McWilliams, Rebecca
Saunderson, George
Wallner, Mary Jane
Woods, Gary

Pearl, Howard
Schultz, Kristina
Walz, Mary Beth
Yakubovich, Michael

Pimentel, Roderick
Seaworth, Brian
Wazir, Safiya

ROCKINGHAM

Abramson, Max
Bershtein, Alan
Cushing, Robert Renny
Dolan, Tom
Gilman, Julie
Le, Tamara
McConnell, Liz
Piemonte, Tony
Warner, Anne

Acton, Dennis
Bunker, Lisa
Davis, Dan
Edgar, Michael
Grossman, Gaby
Loughman, Tom
Melvin, Charles
Verville, Kevin
Yokela, Josh

Altschiller, Debra
Chirichiello, Brian
Desilets, Joel
Edwards, Jess
Osborne, Jason
Lovejoy, Patricia
Meuse, David
Wallace, Scott

Baldasaro, Al
Costable, Michael
DiLorenzo, Charlotte
Fowler, William
Murray, Kate
McBeath, Rebecca
Milz, David
Ward, Gerald

STRAFFORD

Bixby, Peter
Fontneau, Timothy
Keans, Sandra
Pitre, Joseph
Towne, Matthew

Cannon, Gerri
Grassie, Chuck
Kenney, Cam
Rich, Cecilia
Treleaven, Susan

Chase, Wendy
Harrington, Michael
Kittredge, Mac
Sandler, Catt
Vincent, Kenneth

Conley, Casey
Horrigan, Timothy
Smith, Marjorie
Spang, Judith

SULLIVAN

Cloutier, John

Oxenham, Lee

Sullivan, Brian

NAYS - 163

BELKNAP

Feeney, George
Mackie, Jonathan

Fields, Dennis
Tilton, Franklin

Howard, Raymond
Varney, Peter

Jurius, Deanna

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas
Marsh, William

Cordelli, Glenn
Nelson, Bill

Crawford, Karel

CHESHIRE

O'Day, John

Parkhurst, Henry

COOS

Fothergill, John

Hatch, William

Merner, Troy

Thomas, Yvonne

GRAFTON

Abel, Richard
Ladd, Rick
Nordgren, Sharon

Campion, Polly
Maes, Kevin
Osborne, Richard

Fellows, Sallie
Massimilla, Linda
Stavis, Laurel

Hennessey, Erin
Migliore, Vincent Paul
Smith, Suzanne

HILLSBOROUGH

Alexander, Joe
Belanger, James
Camarota, Linda
Flanagan, Jack
Gould, Linda
Hinch, Richard
Lascelles, Richard
Mangipudi, Latha
Mullen, Sue
Proulx, Mark
Sanborn, Laurie
Woodbury, David

Griffin, Barbara
Bergeron, Paul
Danielson, David
Freitas, Mary
Graham, John
Hopper, Gary
Leishman, Peter
Martin, Joelle
Notter, Jeanine
Renzullo, Andrew
Snow, Kendall

Backus, Robert
Boehm, Ralph
Erf, Keith
Gagne, Larry
Greene, Bob
L'Heureux, Robert
Long, Patrick
Marzullo, JP
Panasiti, Reed
Rice, Kimberly
Somero, Paul

Barry, Richard
Burns, Charles
Fedolfi, Jim
Goley, Jeffrey
Harriott-Gathright, Linda
Langley, Diane
Murray, Megan
Mombourquette, Donna
Plett, Fred
Newman, Sue
St. John, Michelle

MERRIMACK

Allard, James
Hill, Gregory
Luneau, David
Schamberg, Thomas

Doherty, David
Horn, Werner
Moffett, Howard
Schuett, Dianne

Ebel, Karen
Klose, John
Myler, Mel
Soucy, Timothy

Fulweiler, Joyce
Kotowski, Frank
Rogers, Katherine
Wolf, Dan

ROCKINGHAM

Abbas, Daryl
Bushway, Patricia
DeClercq, Edward
Elliott, Robert

Abrami, Patrick
Cahill, Michael
DeSimone, Debra
Gay, Betty

Barnes, Arthur
Cali-Pitts, Jacqueline
Doucette, Fred
Green, Dennis

Berrien, Skip
Thomas, Douglas
Eisner, Mary
Grote, Jaci

Guthrie, Joseph
Janigian, John
Kolodziej, Walter
Pearson, Mark
McBride, Everett
Pantelakos, Laura
Pearson, Stephen
True, Chris

Harb, Robert
Janvrin, Jason
Love, David
Maggiore, Jim
McMahon, Charles
Potucek, John
Spillane, James
Welch, David

Hobson, Deborah
Katsakiores, Phyllis
Lundgren, David
Major, Norman
Owens, Becky
Pratt, Kevin
Sytek, John
Weyler, Kenneth

Hoelzel, Kathleen
Khan, Aboul
Griffin, Mary
Malloy, Dennis
Packard, Sherman
Roy, Terry
Torosian, Peter

STRAFFORD

Ellis, Donna
Levesque, Cassandra
Perreault, Mona
Wall, Janet

Fargo, Kristina
McNally, Jody
Rooney, Abigail
Wuelper, Kurt

Hayward, Peter
Opderbecke, Linn
Salloway, Jeffrey

Horgan, James
Schmidt, Peter
Southworth, Thomas

SULLIVAN

Aron, Judy
Merchant, Gary
Smith, Steven

Callum, John
O'Hearne, Andrew

Laware, Thomas
Rollins, Skip

Lucas, Gates
Stapleton, Walter

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

MOTION TO PRINT DEBATE

Rep. Baldasaro moved that the debate on **HB 481-FN-A-L**, relative to the legalization and regulation of cannabis and making appropriations therefor, be printed in the Permanent Journal.
Motion adopted.

DEBATE ON HB 481-FN-A-L

Rep. Stephen Pearson: Thank you, Mister Speaker. Good afternoon colleagues. As many of you know, my father, the Representative from Hampstead is a clergyman, so I have a lot of experience listening to speeches that have a little bit of fire in them so I'm going to try to refrain from the fire. It is time for a reality check on the financial promises made in promoting legalization of marijuana. The only way to get a worthwhile data pool is to look at the West Coast that has had a legal market for a few years now. Legalization was sold to New Hampshire as it has been in other states under the promises of big revenue, but after the money was counted, reality showed the first states had nowhere near the promised intake. According to news release from the California State Department of Tax and Fee Administration, the 2018 revenue from marijuana sales was \$300 million short the promised amount. In Washington state and Oregon, overproduction has led to market saturation and rock bottom wholesale prices in the legal market. Prices have fallen in the legal market from over \$3,300 a pound to \$330 a pound. These numbers come from the Oregon Liquor Control Commission which oversees Oregon's legal recreation marijuana program. It is estimated that the surplus of marijuana has now exceeding 2 million pounds. Now you understand why the prices plummeted. Remember, New Hampshire's tax revenue in this bill is based on a retail sales tax price of around \$5,500 a pound. A drop in retail value reduces the tax revenue generated from legal sales. Since the commission was formed, prices have fallen dramatically on the West Coast. This means the projected revenue in New Hampshire is going to be way off. Again, the promised revenue stream from this bill is based on \$5,500 a pound and the surplus on the West Coast has dropped it to \$300 a pound. Not a single state that has legalized has met revenue projections. Not a single one. If you look at the projections in the New Hampshire commission, the expected revenue is between \$19 and \$28 million. This is based on a market price that no longer holds true and this was before all of the operational costs have been taken out. Assuming that the state actually makes the projection range, 5% of that money is earmarked for law enforcement and EMS, but if you look at real numbers and not just percentages, this equates to \$650,000 towards law enforcement for the entire state. We have 234 cities and towns in New Hampshire. If you divide that out evenly, your town that you represent here will only receive \$2,750. I can tell you right now that Nashua and Manchester are going to be demanding a bigger piece of this money. I want you to fully understand that the best-case scenario your town is looking at is a whopping \$2,700 to deal with all of the problems associated with legalization. This barely covers two cops on overtime for one weekend. Your communities are going to be picking up the tab for the increase demands on law enforcement and EMS. Now we've been told time and time again that legalization will get rid of the black market and bring big money into the state rather than the street corner dealers, but reality paints a different picture. As much as 80% of the marijuana sold in California comes from the black market. According to an estimate by New Frontier Data Analysts who job it is to track sales. They also found that California's illicit pot market was valued at more than 4 times the legal market, but this isn't limited to California. The Governor of Colorado stated that the black market there is worth more than \$50 and \$75 million with zero tax money coming in. One year into the legalization of recreational marijuana in Nevada, more than half the states pot sales are taking place in the illegal market. This is according to the President of the state's leading cannabis advocacy commission. Oregon law enforcement authorities intercepted \$48 million worth of

black-market marijuana according to their liquor commission. With more \$2 million pounds of excess cannabis logged into the Oregon cannabis tracking system, the street corner retail prices are far below legal black-market sales. Prices have fallen again in the legal market from \$3,300 a pound to just over \$300. In Jackson County, Oregon, law enforcement destroyed thousands of marijuana plants following a 2-month investigation into the black-market sales. In just one raid they seized 6,000 marijuana plants weighing just under 3 tons with an estimated street value of \$7.8 million. Please understand the New Hampshire consumption in this commission is only 24 tons. Closer to home, according to research by the Boston Globe, more than two years after Massachusetts voters legalized marijuana the illegal market remains vibrant. Seventy-five percent of the pot sold in Massachusetts in 2019 will be under the table with zero tax money coming in. We've been told that the war on drugs cost too much and legalization of marijuana will save New Hampshire millions in wasted drug enforcement, but reality sings a different tune. Lori Ajax, the head of California's Bureau of Cannabis Control described how bad 2008 was. The State of California is now creating an expensive public information campaign to try to persuade consumers to stop buying illegal pot. Legalization was promoted as helping to end the war on drugs, but Miss Ajax says California has no choice now but to step up enforcement of cannabis laws. A new report from the California Cannabis Advisory Committee on the first year of legal pot sales in California says there is a problem that requires urgent action. Fragmented and uncoordinated enforcement has allowed the black market to flourish threatening licensed businesses with unfair competition. In February, the Governor of California announced expansion of efforts by the California National Guard to work with federal officials to target the black market. The Governor proposed that at least 150 National Guard troops would be redeployed to join the counter drug task force. In Colorado, the state has spent millions in marketing keeping marijuana away from children. According to reporting by NPR, last November law enforcement on the Washington coast said they discovered a large network of illegal marijuana grow operations run by Chinese nationals. Police in three counties served 50 search warrants and confiscated 32,000 pot plants. The black market has not been reduced. It has exploded. In conclusion, with the supply of marijuana now massively overrunning demand, the price of retail pot has plummeted. Having a revenue system in New Hampshire based on retail sales cannot now meet the projections and fund the various earmarked demands found in this bill. The black market has expanded so fast after legalization that law enforcement cannot keep up with maintaining the laws that govern this practice. The New Hampshire commission warned of these problems and has been ignored in this bill. New Hampshire will not be different. Legalization has not saved the states on the West Coast anything when it comes to the war on drugs. If anything, it has changed that war to fight the unintended consequences that we all warned about. The fact that California is now looking for assistance from the National Guard should be screaming in your ears that this claim of a reduction and a savings on the war on drugs is completely bogus. The fact is that you were told you were getting the world's best designer weed, but all you're left with was a bag full of seeds and grass clippings. I urge you to vote no on this bill. The balance sheet demands it.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Portsmouth, Rep. Pantelakos, to speak against the recommendation.

Rep. Pantelakos: Thank you, Mister Speaker. I rise to speak in opposition to the Ways and Means Committee recommendation of Ought to Pass with Amendment on HB 481. We know that the states of Colorado, Washington, Oregon and California that have commercialized marijuana have seen increased costs for unintended consequences, such as emergency room visits due to poisonings from marijuana brownies and candies and increased drugged driving. I would like to remind everyone there is no road test for marijuana impairment. The sponsor of HB 481 has said that a significant amount of revenue will be used to help fight the drug crisis in New Hampshire. The Ways and Means Committee amended HB 481 to limit how much of this revenue will actually be spent on substance misuse. May I remind members that we have an Alcohol Fund law on the books that requires 5% profit from the sales of liquor be spent on prevention, treatment and recovery. That has happened only once in the 15 years since that law was created. Let's not make that same mistake twice. Most of the individuals who testified in support of this bill were owners of marijuana stores in other states who see New Hampshire as a new market to move into. If we pass HB 481, those are the people that will get rich, while our citizens suffer the consequences. I urge you to vote no on HB 481. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. Quite definitely does not yield. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Jaffrey, Rep. Ames, to speak in support of the recommendation.

Rep. Ames: Thank you, Mister Speaker. Just five weeks ago this House voted 209-147 to approve HB 481. This was an emphatic vote in favor of legalizing, regulating and taxing cannabis and cannabis products for use by adults aged 21 and over. The policy adopted by the House with this strong endorsement of HB 481 as I understand it, is to bring marijuana out of the shadows to regulate it, to label it, to track it, to study it, to tax it, to shut down the black market and to enable much needed substance misuse, education, prevention, treatment and recovery programming. Acting as a 2nd committee with the responsibility for reviewing the bills revenue related components, Ways and Means worked hard under extreme time pressure and across

partisan lines to develop the majority amendment that is now before us. Said simply, the purpose of this amended bill is to strengthen the original HB 481. The amendment removes the original bill's weight-based excise tax that was to be levied at the cultivator wholesale level. Instead or in its place, the amended bill levies a 5% tax on the price paid by buyers at the wholesale cultivator level and a 9% tax on the price paid by the buyers at retail cannabis stores. This product or category specific tax is similar in kind to the 65.03% tax that we currently levy on the wholesale sales price of pipe tobacco, regular cigars and various other non-cigarette tobacco products. It is also similar in kind to the 9% tax that we currently levy on the retail price of meals. These are not general sales taxes. These are not broad-based sales taxes, but they are precisely the kind of product specific tax levied at a percent of price and paid by buyers that enjoys a time-honored place in New Hampshire's tax system. The amended bill's cannabis tax rates, which add to about 14% when taken together with all other HB 481 fees and fines, will be below comparable rates in other competing states. For example, Massachusetts, which piles a state level cannabis specific retail tax on top of both its broad-based state sales tax and locally imposed cannabis taxes effectively taxes legal cannabis and cannabis products at rates that range from a low of 17% to a high of 20% of price paid by retail buyers. The amended bill requires presentation of annual tax and fee reports by the new Cannabis Control Commission to the legislature. This will ensure timely review of the continuing viability of the HB 481 tax and fee system. The price sensitivity of the proposed HB 481 tax system and the relatively low rates are designed to enable the legal market to compete with, shrink and eventually displace the black market, a principle goal of the bill. The majority expects that this tax plan will produce more revenue in the startup years than would be generated by the original bill's proposal. Given market and start up uncertainties however, the majority believes that the fiscal note estimate attached to the original HB 481 and taking into account the experiences of the other states which projected a starting revenue range per year of about \$19.7 million to \$31.2 million should continue to be used for budgeting purposes. The majority amendment requires that all revenues flow into a new cannabis control fund and subjects all expenditures from the fund to the regular appropriation process. For amounts above what is required for administration, the amended bill identifies funding priorities, including for substance misuse programming while recognizing the reality that each new legislature must do the hard work, guided by those priorities of determining in the biennial budget the precise allocation by appropriation of the available funds. The amended bill also provides start up appropriations for the new Cannabis Control Commission and for the Department of Revenue Administration. In closing, I hope you will agree with me and the Ways and Means majority prohibition has not and does not work. It has fostered an illegal and profoundly harmful black market. The original HB 481 was a good bill. It is a better bill with the Ways and Means majority amendment. I hope you will join me in approving this amended bill. Thank you.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The Chair recognizes the member from Sandown, Rep. True to speak against the recommendation.

Rep. True: Thank you, Mister Speaker. I was a yes vote on the first vote on HB 481 because, in the words of one of the greatest disco singers of all time, Frank Sinatra, I had high hopes that Ways and Means could fix this bill for me, but now I see that they could not. In closing, don't you just love hearing those words? In closing, please allow me to quote from one of our country's greatest acid rock groups all time. Now I know, I know, a lot of you are probably sitting there saying to yourselves oh great. So, what is this going to be? Just some cheap trick? Please allow me to paraphrase. You've got motion, motion, motion. I've got motion. Yes, my friends, we have the motion and it is a motion that ought not to pass. I say that this is a bill that ought not to pass because it violates my basic promise to fight against the expansion of government. I support smaller state government every time and every vote. This bill expands government. I say that this is a bill that ought not to pass because I promised to fight against a sales tax with my every vote. And this bill creates a sales tax. And to all my friends who say well, but technically it's not a sales tax. I hear you and a tax on income is not technically an income tax. I hear you, I just can't believe that you are saying it. I support allowing law enforcement to focus on violent and property crimes. I support making marijuana legal for a person 21 years of age or older. Hey, what did you expect? I am a child of the 60's. In fact, it was 1973 before I even knew that the 60's were over. But I can't support this bill which would have me abandon my principles and promises to achieve the legalization of marijuana. I believe it is wrong for me to promise to stand strong against a sales tax and then vote for a sales tax. I believe that it is wrong for me to promise that I support efforts for smaller government and then to vote to expand government. I believe that it is wrong for the state of New Hampshire to facilitate the growing, purchasing, and consumption of marijuana and then to proclaim that we need to spend more money on drug prevention and drug treatment and more money on educational campaigns to educate people on the health and safety risks of marijuana. Weighing the benefits against cost is the way most people make decisions. It seems that only in government is any benefit, however small, considered to be worth the cost, however large. Voting for this bill would have me abandon my core principles of smaller government and no sales tax and that is just too much of a cost for me to bear. Please join with me and vote no on HB 481. Thank you, Mister Speaker.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. He is leaving on a high note. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Seabrook, Rep. Abramson to speak in support of the recommendation.

Rep. Abramson: Thank you, Mister Speaker. Mister Speaker, I rise in support of the committee motion on HB 481, but to answer the criticism of my colleagues who claim that this is a tax. Yes, it is a tax, but it is not a new tax. It is an excise tax that simply replaces and effectively reduces one of the worst taxes of them all, jail, fines and legal fees and other court costs. Taxes that must be paid through lawyers, judges, parole officers, court clerks, and others, but a tax nonetheless. If our colleagues who campaigned in their districts as fiscal conservatives as I did and I'm almost sure most all of us did, will see HB 481 as it is, a tax cut and a great reduction in spending on the criminal justice bureaucracy. They will see as I do that the current regime is the most onerous system of taxation of them all. One so draconian that it adds jail time and even the extra burden of prison construction onto other taxpayers. Why should those who refrain from marijuana pay for the cost of its use? Let the users pay their own way. Green button.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Greenland, Rep. Malloy, to speak against the recommendation.

Rep. Malloy: Thank you, Mister Speaker. I rise today to speak against the Ought to Pass as Amended motion on HB 481. The bill in front of us does not include revenue estimates for the State of New Hampshire. While the commission did consider estimates of between \$19 to \$31-\$32 million, those estimates have been eliminated from the amended bill. That alone should concern this body. Our decisions should be based on the best evidence and research and in this case, we simply don't have it. I believe to support this without at least a range of revenue numbers is not fiscally responsible. But for now, let's assume that the revenues are good. I moved here 20 years ago from a state that decided after much debate to allow another controversial revenue source, casino gambling. Initially the revenue was a boon but tinkering with the law made it difficult for some operators to make all the money they wanted to, so some left. Initially the new revenues were used for education, but soon lawmakers began diverting revenue to balance the state budget. Eventually the wild fluctuations in gambling revenue from year to year gave the legislature fits in terms of setting the budgets and the officials soon realized they were in part, working for out of state interests. Finally, the state could not afford to back out of the casino gambling arrangement and ended up with more forms of gambling than was found in Las Vegas. The market became saturated, plans were scrapped to build more casinos and two existing ones eventually wanted greater tax breaks. Today we are being asked to vote on an untested and controversial revenue source, one that we probably won't be able to undo once it starts and the revenue models will either have no material effect on the state or force New Hampshire to grapple with how to manage not only the business itself, but its effect on our ability to project an accurate and meaningful state budget every two years. Members of the House, I believe we are making a worrisome fiscal decision, and one that future legislatures will have to live with. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Milford, Rep. Burns, to speak against the recommendation.

Rep. Burns: The good news is I can't sing. I don't even know the words to any songs except God Bless American and the National Anthem. Thank you, Mister Speaker. Mister Speaker, colleagues and, although I see they are gone, the delightful pages that we had today from Milford High School representing our best and brightest. I rise, which is a pretty good feat for me, in opposition to HB 481. So, tax wise, we'll get 33% of the profits to the state, 33% to municipalities and 29% will go to education and rehabilitation. I get it. In a perfect world, the State would legalize marijuana, regulate and restrict sales to adults, destroy the black market and create a wonderful new source of revenue, but guess what? We don't live in a perfect world. I oppose this bill on several main points: The message we send and the health impact on our kids, the mental health and financial costs to society and the taxation and allocation of tax revenue. First let's take the kids. What kind of message are we sending to them? We have a huge opioid crisis on the one hand and we are raising funds for the state by selling drugs with the other. Of course, this bill legalizes marijuana use for adults only, but the reality is, it will become so much more available in its many forms to those under the age of 21. Young people will have no problem at all obtaining marijuana and marijuana products and the stuff that they grow in their backyard, they won't be paying taxes on. It is well documented, that modest and especially chronic pot smoking is especially dangerous for children as their brains develop. The financial and societal costs in terms of productivity, motivation, initiative, memory, thinking and problem solving are very real. I also firmly believe that today's powerful marijuana is a gateway drug, particularly for those young people who easily succumb to peer pressure or are predisposed to addiction. In just a few short years, vaping in our schools has become rampant. It will not take long for vaping THC products in schools will become a major problem. It isn't a giant leap for a student involved in this behavior to take a pill of unknown origin at a party or engage in other drug use. So, what is our plan to combat this looming reality? Are we prepared with the education and rehabilitation costs that this will entail? I believe the 29% profit allocation this bill provides will be wholly inadequate. To the parents and grandparents in this body, if marijuana is legalized, competition will make it far more accessible for all the children. There is no such thing as getting rid of the black market. Marijuana will now be available to smoke, vape or ingest in all forms of candy, food and drink. Do you really think that will not have an impact on them? Is this any kind of legacy that we want to leave for our kids as far as the work we do here? The competition between the black market, legal home-grown pot and state sanctioned

sales will drive the price so low that the revenue to the state will be minimized while the problems and costs associated with health and addiction will grow like a weed. Education and recovery programs only receive 29% of the profits of a smaller and smaller profit margin. This is not going to be sufficient to remediate the problem, while the lion's share of the costs will go to the state and municipal coffers. Proponents have made a claim that a main purpose of the bill is to rid ourselves of the black market, but I claim that this is wishful thinking. We will now have an oversupply of pot, at a lower cost, continuously available from competing sources. After all, pot is just a weed and the margins are incredibly high. Black marketers don't have a 5% grower's tax or a 9% sales tax. They will compete and compete fiercely. Finally, in what may be the biggest addiction problem of them all will be our states addiction to the revenue derived from the sales of marijuana and related products. Once this revenue starts rolling in, there will be no shortage of ideas on how to spend it. Right now, the plan calls for 33% of the profits to go to general fund and 33% to municipalities. It would seem to me, all profits beyond administration and law enforcement costs should go to drug education and awareness. If we must pass the bill, let the money fund a necessary state of the art mental hospital, rehabilitation network and drug abuse education program. If money is diverted to the general fund, it is only a question of time before future legislators vote to retain more and more of the dollars, increasing the taxes and fees and reducing the contributions to education, recovery programs and municipalities. History shows us that this is true. I urge you, my fellow Representatives, fellow parents and grandparents, vote no on HB 481. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Lincoln, Rep. Stringham, to speak in support of the recommendation.

Rep. Stringham: Thank you, Mister Speaker. I want to share a perspective that emerged from the outstanding and non-partisan testimony and deliberations on the Ways and Means Committee. The decisions we make about whether to allow legal sales of cannabis as well as today's tax and fee schedule will profoundly impact what the industry looks like 20 years, 50 years from now. If 481 passes, entirely new New Hampshire businesses and retailers will have to buy their products from only New Hampshire growers and only New Hampshire product producers. Today, they have the opportunity to learn and succeed because they will have an instate monopoly. They have an exclusive market because of federal law. They can't sell their cannabis out of state and out of state producers can't sell them here. If, however, the first legal New Hampshire recreational sales do not occur until the products are legal nationally, companies outside of New Hampshire will have the production, management and distribution systems in place and will quickly take control of the business aspects of the New Hampshire cannabis businesses. We will be left with cashiers and line managers running retail stores and consumers sending portions of their money to out of state businesses, perhaps ordering by mail. Our principal goal for the 9 % tax, the same is charged in New Hampshire for a tuna fish sandwich, wasn't to make money. The goal was to cripple the black market, the only true competition that is hurting us now and allow an infrastructure to develop that speaks to the future. I think 50 years from now it is likely that cannabis will be a mature profitable business. For the cannabis business, we have to think about the day when the federal government allows interstate cannabis commerce. Our ability to have a meaningful business at that point years from now will depend on the progress legitimate, in-state businesses make between now and then when New Hampshire state cultivators and retailers have the advantage of the statewide monopoly. I know there are issues that dwarf the business issues and I respect those with strong non-business reasons to vote against legalization, but if you believe a form of national legalization is coming, at some point in the future, then a favorable vote now speaks better to the future. A no vote at this time may cripple New Hampshire growers, cultivators and producers permanently. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass. Will the member yield to a question? Rep. Pearson, you are the first one I saw. You are recognized for your question.

Rep. Stephen Pearson: Thank you and I thank you for taking my question. Are the Governors of Washington, Oregon, California, Nevada all wrong when they say that the black market has exploded in their states after legalization?

Rep. Stringham: Thank you for the question. I think the process to get rid of the black market is not something we should expect to take a day, a week, a month or even a year. Steps like one of the other speakers talked about, what's going on in California, is a natural part of the progress and how a legal market could develop. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Stratham, Rep. Abrami, to speak against the recommendation.

Rep. Abrami: Thank you, Mister Speaker. As most of you know, I have been living with this for the last year and a half, chairing the commission. To answer that last question, when the commission heard from California they said to us don't do it the way we did it. Please don't do it the way we did it. The black market will never go away, and the black market has not gone away in California or all those other states. I'm just going to try to summarize five things that have been said so far and I have three new points that have not been made. One about the commission. The one thing that the commission did say was don't do this for the money. Please, don't do this for the money. We all agreed on that. Don't try to pad the general fund with marijuana

money, but we did want enough money to pay for regulation and for addiction treatment and prevention. So, and also understand that the commission understood this, and I said this on the floor a couple of weeks ago or a month ago. This isn't your grandpa's marijuana anymore and I'm going to say it again. It's 15-30% THC. Sixties, seventies and eighties, when we were all younger, lot of grey hair in this room, was 3% THC plus the edibles are at high concentrations and the extracts that are up to 94% THC now. It all puts a burden on the need for prevention and education about the potencies of these products. The second point we've heard is that Ways and Means did change the formula from a tax of \$30 per ounce at the grower level to a 5% tax at the grower level and a 9% tax at the retail level. The commission kind of recommended that we do it at the wholesale level against an ounce just like our gasoline tax, which we do at the gallon level. There is a reason for that. We know about gasoline prices go up and down, they fluctuate, there is volatility. The same thing with this. There is going to be volatility in the marijuana price and what we think we are going to get for revenue, we're not. It is definitely true what you have heard before from the other speakers that these prices are dropping in every state right now thus revenues are dropping in every state. It's also true, my third point, is that when it comes to this amended bill, the Department of Revenue did not give us an estimate of what the revenues would be. They said there is no way we could figure that out, so we are running blind on that. But, I know when they did the work for the commission, they did not factor in the fact that the black market will still be around. They assumed that the black market would disappear and that, remember in this bill there is still homegrown in this bill, okay so that some of the product is going to be grown at home. There will be no taxes on that. Now, I want to talk about the cascading and the way the money is allocated. I'm skipping over my normal speech. I'm just touching on points here. So, I think it was kind of talked about. Let's go through it one more time. So, what happens, the money comes in and we have administrative cost for enforcement and for the licensing and all that and for the DRA. So that comes right off the top. Then, there is \$100,000 that goes to the, every year, there is \$100,000 that goes to the Department of Safety for the information and analysis center, drug monitor initiative. That's fine, \$100,000. Then the rest of the money is allocated 29% for drug prevention programs, 33% to municipalities, 5% to public safety and then 33% for the general fund. The problem there is that if what some of my colleagues have been saying and from what we are hearing from other states is that if we don't hit our revenue marks, I feel that the revenue that's needed for drug prevention, addiction prevention and treatment aren't going to be there. Of course, they are wrapped up, they are going to get a small percent like everybody else. So, that's a problem that has to be addressed and that a problem with the bill. We also know that we have an opioid crisis and that we currently spend \$2.36 billion on this a year in our state. About \$21,000 annually for all kinds of addiction, not just the opioids. Okay, but so those are the points that have already been made. So, let's talk about some three final thoughts. There is no opt-in provision in this bill. No one has mentioned that yet. Like lottery or just passed Keno bill. So, a town could be asleep at the switch and the next thing you know there is a marijuana store opened on the street corner and people in the town are going to wonder how'd that happen. So that's number one. Two, and this has to do with revenues. Being illegal federally, still illegal federally, we have been told by the New Hampshire Banking Commission that this will be a cash business in our state, including taxes being paid in cash. So, remember that. This is going to be a cash business. And the third thing and this is important. It's important to remember and I'm going to read this. It is important to remember that it will be illegal per federal law to purchase marijuana products in New Hampshire and transport them to neighboring states. So, unlike alcohol and tobacco, which people come and buy them and transport them to neighboring states. So, unlike alcohol and tobacco, in which lost cost product pricing and low taxes attract cross border sales and thus revenue to the state they state cannot promote and will not promote and will not benefit from cross boarder sales. So, Mister Speaker, if I know all of this and I also know that we do not have to follow the lead of other New England states, just as we have not followed the lead of the other New England states in terms of casino gambling. And know that it is also being resisted and well over the majority of the state's marijuana legalization is still being resisted and just last week in New Jersey they did not have enough votes in the Senate, so they put off a vote on marijuana legalization in New Jersey. Please note that we do not need to pass this bill and certainly not for general funds spending unrelated to addiction, prevention and treatment. Thank you.

Speaker Shurtleff: Will the member yield to a question? The Chair recognizes Rep. Alexander. You may inquire.

Rep. Alexander: Thank you, Mister Speaker. Thank you, Representative, for taking my question. Has the Ways and Means Committee considered the impact to New Hampshire's energy infrastructure that will result with legalization? Just for context, I ask that question because I look at some of the statistics here with marijuana production and it looks like the energy it takes to run a four-plant lighting module is the same amount of energy it takes to run 29 refrigerators. Thank you.

Rep. Abrami: That is true. The one thing you've got to understand, and this more comes from the commission, we looked at this, is that most marijuana will be grown indoors. It's not going to be, you're not going to have fields of marijuana and they grow them under lights. The reason they do that is they get more crops in a year, especially in a Northern state like us and it is a more consistent crop. What the gentleman just

mentioned is true that actually we heard testimony from Colorado in the commission that 1% of all energy consumption in Colorado now is for the production of marijuana. So, this is not a green bill if you're a green person. Just so you know.

Speaker Shurtleff: Will the member yield to another question? Rep. Berrien, you are recognized for a question.

Rep. Berrien: Thank you, Mister Speaker. Thank you, my colleague from Stratham. As the chair of the commission and a longstanding member of Ways and Means, I have a question about revenues related to the sale of marijuana products in particular edible products. I'm not sure if you are aware of a report that was published on March 19 by the annals of internal medicine in which they looked at the incidents of marijuana associated emergency room visits which tripled once they had legalized marijuana in Colorado. In addition, they cited that there were 3 fatalities associated with the edible products of marijuana. So, my question to you is given the state of uncertainty about revenues and the potential cost of these health care expenses, could you please comment on that? Thank you.

Rep. Abrami: Thank you, my friend from Exeter. Yes, I am familiar with that study. Colorado, which was one of the first states, had a big problem initially and still does, but had a big problem initially with edibles, especially with children. The parents would leave a marijuana cookie out and they would eat it and their small bodies just couldn't take that, but I've been seeing research and continued reporting that the ER visits are still up in Colorado for adults as well. That's why it's so important and if this bill passes that there be enough money not only for addiction prevention but also for education of the public on the amount of how potent some of these edibles are. So, I appreciate the comment and I am aware of the tests that are taking place. It is my understanding that most of them are people really high on these high potency products doing things like jumping off buildings and shooting other people. Those are the two that I think were cited in the study, well two of the three that were cited in the study you are talking about. Thank you.

Speaker Shurtleff: Will the member yield to another question? Rep. Stephen Pearson is recognized for a question.

Rep. Stephen Pearson: Thank you, Mister Speaker. Thank you for taking my question. As the chair of the commission, you've studied this better than anybody and I just want to make sure that what I said was factual. The commission based the revenue on \$5,500 a pound and we are now seeing West Coast numbers at \$300 a pound. My question is, now that the price has plummeted, would that not be devastating now that we are using a sales price-based methodology for revenue?

Rep. Abrami: Yes, thank you for the question my friend from Derry. Absolutely true that the commission had a range from low to high and those were based on an estimate of number of people that were going to smoke marijuana. The amount they would smoke in a year and the retail price and that retail price is so volatile that even in a year those prices have come down. So, I know that even the report that we had published you know maybe four or five months ago that those prices would come down and that revenues will definitely be lower than everybody thinks. Thank you.

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes the member from Salem, Rep. Doucette, to speak against the recommendation.

Rep. Doucette: Thank you, Mister Speaker. Please forgive the surgical mask. I mean no disrespect. I'm in a unique position here speaking today and I'm going to speak to one issue and one issue only as this House to quote my colleague from Jaffrey, this House had an emphatic vote and I might add bipartisan vote to legalize marijuana. I'm not here to argue merits. Those arguments have been made for years and continue and will continue for years. What I'm here to lay out to all of us as members of this House no matter what side of the aisle you are on, no matter what political affiliation you are with, what special interest group, whatever your affiliation is in your community, the fact remains for the first time in the 200 year history of this House that we are celebrating this year, I view this as a very, and this word is used all too often, bipartisan issue because I don't think I would be overstating the fact that whether you are a first year Representative or a ten year Representative in this House, each and every one of us has been asked a specific question and that question is this. Will you support in any way a sales or income tax? It's been asserted that this is a consumption tax, that it mimics meals and rooms, that we tax alcohol, that we tax tobacco, but all I ask you to do is this and I may not be standing in front of you at this well right now had not these words presented in this legislation in the fiscal end of this when it came to my committee, when it came to Ways and Means, the words and you can find it in the calendar on page 30, a clear, concise, not gray, black and white, black and white. A tax shall be levied at the rate of 9%. The total price received by cannabis retail store as consideration for the sale of cannabis or cannabis products and it also has similar language that I won't drag through for the cultivation end of this. So, I guess my question to you is, my honorable colleagues is this. Can you stand and vote for this issue, specific issue, the fiscal end of this bill? I'm not here to argue whether I am a pro legalization person or an anti-legalization person. I am a person who answers to his constituency. My constituency has told me time and time again in my three terms here in the House you do not support a sales or income tax. Those are my marching orders and I intend to march by them. I suspect many of you with very few exceptions have gotten those same orders. This isn't about killing a bill, or killing this, It's about a legacy. This sitting House of Representatives will be the first in its history to institute a sales tax. Black and white again, no gray area. Please understand this is a sales tax. If that is your singular consideration on this, you should be pushing the

red button on this simply on that issue alone. I'm not here to argue the pros and cons of legalization. We could go on for years and the eventuality is it will happen. I am a realist like that and I know there are revenues to be had, but don't be confused by the rhetoric of this is an excise tax. This is coupled with alcohol. This is coupled with tobacco. This is the same as rooms and meals. It is not. It's in black and white. It will be law. This will be the first legislature to pass a sales tax. Let your legacy be that you kept the New Hampshire tradition. You kept the New Hampshire advantage and you kept to the live free or die model of this state. There is another day to argue legalization, but it's just not this fashion and had this bill came out with the cultivation portion of it at \$30 an ounce or \$10 an ounce, I probably would not be standing at this well, but these simply words. They are engrained into our law after we take this vote on something you all need to take personally and seriously because this is your legacy. You have to go back to your cities and towns and tell your constituents that you voted for a sales tax. Period. I thank you for your time.

Speaker Shurtleff: Will the member yield to a question? The member does not yield. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes our last speaker, Rep. Bershtein.

Rep. Bershtein: Thank you, Mister Speaker. Esteemed colleagues, I stand before you today in support of HB 481, the legalization of cannabis. As you know, New Hampshire, like the rest of the country has serious issues regarding cannabis. Let's be honest. We are not going to kid around here. This bill is not a panacea. Similar to alcohol, problems will persist whether this is illegal or legal. The issue before us is one of harm reduction. As Ways and Means began to study this bill, there was bipartisan consensus that prohibition of cannabis has not only failed to work but has actually made the problems worse. Like alcohol prohibition, cannabis prohibition spawned a thriving black market and the amended bill is everything about the black market.

Speaker Shurtleff: Will the member suspend for just a moment? The Chair asks that members in the body please keep your conversations, bring them outside. The member has a right to be heard. He has waited patiently to speak, and he deserves that as all members do. You may proceed and thank you.

Rep. Bershtein: Thank you, Mister Speaker. Prohibition attempts to reduce supply and does not address demand. If prohibition is successful and supply is decreased while demand stays constant, the result is in increase in price, which in turn incentivizes suppliers to supply more. This economic game of whack a mole can never be won which is why cannabis prohibition has not worked for the past 82 years. This bill uses economics, not guns and prisons to address the problem. For example, one of the many lessons learned from other states that have legalized is the higher the tax, the more opportunity there is for the black market. This is why the tax imposed by this bill will be the lowest such tax in the nation. Dissipate the profits, dissipate the black market. Let's recall this isn't about revenue, this is about the black market. In the 1920's there were marches on Washington by such groups as Mothers for the Repeal of Prohibition and the Women's Organization for National Prohibition Reform. Groups such as these were comprised of mostly the same folks who ten years earlier were marching in support of prohibition. These women understood that repeal would protect families from crime, corruption and the drinking that prohibition had created. By the time prohibition was repealed in 1933, 74% of Americans were for it. 2011 was the first year more than 50% of Americans favored legalization of cannabis. Today the percentage of Americans who favor legalization is somewhere between 60 and 70%. These 60% of Americans understand that repeal will better protect families than prohibition. Those who oppose this bill are using the same tired arguments that have been used since 1937, 82 years ago, to justify prohibition, but more of the same will result in more of the same. Let us learn from the lessons of history. Let's treat this problem as a public health matter, not a criminal justice matter. Please join me, join the majority of Americans and join the majority of Granite Staters and support legalization. Thank you.

Speaker Shurtleff: Will the member yield to a question?

Rep. Bershtein: I didn't know that was permitted from this microphone, but of course.

Speaker Shurtleff: You will. Rep. Abramson is recognized for a question.

Rep. Abramson: How do I follow that one? Thank you, Mister Speaker. Thank you for taking my question. So, we already have excise taxes on alcohol, tobacco, gasoline, car registration, other individual line items. None of those are considered a state sales tax, are they?

Rep. Bershtein: Thank you for the question. No, none of those are considered a state sales tax and look I'm a fiscal conservative. If I believe this was a sales tax or a new tax, there is no way that myself and the other members of the Ways and Means Committee who supported this, there is no way we would have voted yes for that.

Speaker Shurtleff: Will the member yield to a follow up question? You may inquire.

Rep. Abramson: So, if HB 481 passes and we all press that bright green, shiny button and pass this bill, would that so-called excise tax on marijuana, would that effectively now apply a sales tax on all retail items throughout the state?

Rep. Bershtein: Absolutely not. This is specific to a product.

Speaker Shurtleff: Will the member yield to another question? Rep. Baldasaro, you may inquire.

Rep. Baldasaro: Thank you, Mister Speaker. Representative, I'm glad you spoke there because my question to you is, I'm a smoker. I pay a sin tax. I don't mind. I don't call it a sales tax, but people in this House voted for this here. The tax on this new product and I've never touched it in my life, but the tax is this a sin tax pretty much or a users tax? Where is this sales tax garbage coming in?

Rep. Bershtein: It's clearly not a sales tax. I would classify it as an excise tax, but I just want to remind you one more time that this wasn't about revenue, this isn't a tax grab. The revenue raised from this bill goes to administer the regulation and we believe that by administering the regulation, by repealing prohibition, we can get rid of the worst tax of all and that's the tax of a black market.

Speaker Shurtleff: Will the member yield to another question? Rep. Verville, you may inquire.

Rep. Verville: Thank you, Mister Speaker and thank you, Representative, for taking my question. Would you believe and agree that taxation is theft, yet I am going to support the bill because of the promise of previous speakers that the market prices will plummet therefore tax revenue will be reduced making this bill a win-win for both taxpayers and consumers?

Rep. Bershtein: The answer to your two-part question is yes and yes.

Speaker Shurtleff: Will the member yield for another question? Rep. Stephen Pearson, you may inquire.

Rep. Stephen Pearson: I thank the Representative for taking my question. As a historian I appreciate your acknowledgement of history. I just ask that we look at the history of, the modern history of legalization that has occurred in the last four years. My question to you is since you have stated that prohibition didn't work in the 1930's, can you now acknowledge the Western states that have all come out to say legalization here has been a disaster to us?

Rep. Bershtein: That's a great question, thank you. Ways and Means looked at the practices of other states and the lessons we learned from the mistakes of other states was that they set the tax too high. It was a revenue grab. This was supposed to solve budgetary problems. Again, Ways and Means goal with this bill was to diminish or to cripple the black market. It's not about raising revenues.

Speaker Shurtleff: Will the member yield to another question? It's up to you entirely. Rep. Torosian, you may inquire.

Rep. Torosian: Thank you, Mister Speaker and thank you to the member for taking my question. Help me understand because I am a little confused here. If you are going to buy a marijuana product and you don't consume it onsite, you take it home to use it, how is that not a sales tax?

Rep. Bershtein: When you purchase alcohol or tobacco and you don't consume it in the retail establishment that you purchased it in, it's analogous to that. So, it's not a sales tax. That's my answer. Out of respect for everyone's time, I will cease on any further questions.

Speaker Shurtleff: The member will take no more questions. The question before the House is the recommendation that the bill Ought to Pass as Amended. A roll call has been requested. Is that sufficiently seconded? It is sufficiently seconded. Members will kindly take their seats. The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Schamberg for a parliamentary inquiry. The House will be in order. Please allow the member to be heard.

Rep. Schamberg: Thank you, Mister Speaker. If I know from my 30 years of public education teaching experience in the fields of health and physical education, that the teenage brain continues to develop until the mid-20's, not stopping at the age of 21. And, if I believe that HB 481 as introduced and as further amended would permit full commercialization of marijuana and allow a major industry to manufacture, sell and market an addictive product to young people in New Hampshire just as big tobacco has done in the past. And, if I know from what we've seen from other states that have legalized marijuana, the black market will not go away as they will continue to undercut the price on the legal market. And, if I know, as pointed out by Ways and Means Committee and the DRA, that we really don't know how much revenue will be generated by marijuana sales for the State of New Hampshire, but we do know very little of it will likely go to fight the substance misuse epidemic in our state. And, finally, if I know the legalization study commission said any bill that commercializes marijuana should have a provision for municipalities to opt-in to ensure that those residents of a town or city should have a say whether they want such stores and this provision is not in HB 481, would I vote no and push the red button?

Speaker Shurtleff: The question before the House is the recommendation that the bill Ought to Pass as Amended. The Chair recognizes Rep. Ames for a parliamentary inquiry.

Rep. Ames: If I know that cannabis prohibition has fostered an illegal and profoundly harmful black market. And, if I believe that HB 481 as amended will bring cannabis out of the shadows and provide for its appropriate taxation, regulation and legal use by adults and will provide additional appropriate support for substance misuse treatment and research. And, if I know that a cannabis specific tax is similar to our rooms and meals tax and is neither a general sales tax nor a broad-based sales tax, would I now press the green button to pass HB 482 as amended? Thank you.

Speaker Shurtleff: This will be a roll call vote. The question before the House is the recommendation that the bill Ought to Pass as Amended. If you are in favor, you'll press the green button. If you are opposed, you'll press the red button. Voting stations will be open for 30 seconds. Have all members present had an opportunity to vote? The House will be attentive to the state of the vote. With 200 members voting Yea and 163 voting Nay, the recommendation is adopted.

REGULAR CALENDAR CONT'D

HB 641-L, allowing municipalities to collect an occupancy fee from operators of local room rentals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tom Loughman for the Majority of Ways and Means. Meals and rooms tax revenue is one of the highest performing revenue sources in the state. Each year it grows, as do the demands on municipal services and infrastructure for areas that serve as hubs for tourism, business, higher education, and healthcare. Unfortunately, the portion of meals and rooms revenue shared back to municipalities has declined steadily over time. New Hampshire is on an unsustainable path of putting increased budgetary pressure on the very towns helping most to raise essential state revenue. This bill gives municipalities with major itinerant traffic and related costs the choice of implementing a hotel occupancy fee of up to \$2 per day per room. This revenue would stay local and provide much needed funding to meet the increased demands on municipal services and infrastructure. This local option would provide a reliable, stable revenue stream for those municipalities under greatest pressure to provide regional services, free from the political forces of the state. Every dollar in municipal revenue generated from out of state tourists and travelers through this optional fee is a dollar that will not need to be raised through property taxpayers. Whether this passes or not, the larger, system-wide problem of reduced state support for municipal services would remain for all communities, large or small. Vote 12-8.

Rep. Charles Burns for the Minority of Ways and Means. Passage of this bill would be a major change of mindset for NH. Last term, the legislature refused to allow a local occupancy tax or fee to support local needs. Passage of this bill establishes a dangerous precedent by allowing local jurisdictions to impose a local occupancy fee. If a local occupancy fee is allowed, we would be opening up a Pandora's box for future local fees and taxes on other types of sales. Hotels generate significant property taxes and spur other economic activity without adding significantly to the local education costs. The minority believes these funds are adequate to support the level of services required to handle this increase in local activity.

Majority Amendment (1159h)

Amend RSA 353:11, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The legislative body of a municipality may vote to collect a municipal fee on each occupancy, as defined in RSA 78-A:3, VI, for the purpose of establishing a municipal capital improvement or tourism support fund, which is intended to increase or stabilize local hotel and other room rental occupancy.

II. As authorized by the legislative body vote, the fee may be collected as a daily charge of up to \$2 per occupancy, or as a percentage of the price of the occupancy, provided that the rate shall not exceed \$2 per occupancy per 24-hour period. If the average daily price of the occupancy does not exceed \$40, the occupancy fee shall not be collected. Enforcement powers for nonpayment shall be the same as those provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-b, relative to enforcement of ordinances.

Majority committee amendment adopted.

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

Rep. Abramson spoke against.

Rep. Abrami spoke against and yielded to questions.

Reps. Loughman and Herbert spoke in favor.

Rep. Baldasaro requested a roll call; sufficiently seconded.

YEAS 209 - NAYS 146

YEAS - 209**BELKNAP**

Huot, David

St. Clair, Charlie

CARROLL

Burroughs, Anita
Knirk, Jerry

Butler, Edward
Woodcock, Stephen

DesMarais, Edith

Kanzler, Harrison

CHESHIRE

Abbott, Michael
Eaton, Daniel
Harvey, Cathryn
Morrill, David
Tatro, Bruce
Weber, Lucy

Ames, Richard
Faulkner, Barry
Ley, Douglas
Parkhurst, Henry
Thompson, Craig

Berch, Paul
Fenton, Donovan
Mann, John
Schapiro, Joe
Von Plinsky, Sparky

Bordenet, John
Gomarlo, Jennie
Meader, David
Swinburne, Sandy
Pearson, William

COOS

Hatch, William
Tucker, Edith

Laflamme, Larry
Thomas, Yvonne

Moynihan, Wayne

Noel, Henry

GRAFTON

Abel, Richard
Dontonville, Roger
French, Elaine
Mulligan, Mary Jane
Ruprecht, Dennis
Sykes, George

Adjutant, Joshua
Egan, Timothy
Josephson, Timothy
Muscatel, Garrett
Stavis, Laurel
Weston, Joyce

Almy, Susan
Fellows, Sallie
Maes, Kevin
Nordgren, Sharon
Stringham, Jerry

Diggs, Francesca
Ford, Susan
Massimilla, Linda
Osborne, Richard
Smith, Suzanne

HILLSBOROUGH

Bouldin, Andrew
Beaulieu, Jane
Bouchard, Donald
Connors, Erika
Desjardin, Kathy
Davis, Fred
Hamer, Heidi
Indruk, Greg
Klein-Knight, Nicole
Long, Patrick
Mombourquette, Donna
Nutting-Wong, Allison
Piedra, Israel
Radhakrishnan, Julie
Snow, Kendall
Smith, Timothy
Van Houten, Constance
Williams, Kermit

Backus, Robert
Bernet, Jennifer
Chretien, Jacqueline
Cornell, Patricia
DiSilvestro, Linda
Freitas, Mary
Harriott-Gathright, Linda
Jack, Martin
Komi, Richard
Murray, Megan
Mullen, Sue
Pedersen, Michael
Porter, Marjorie
Rung, Rosemarie
St. John, Michelle
Telerski, Laura
Vann, Ivy
Woodbury, David

Balch, Chris
Bordy, William
Cleaver, Skip
Cote, David
Dutzy, Sherry
Goley, Jeffrey
Heath, Mary
King, Mark
Langley, Diane
Mangipudi, Latha
Murphy, Nancy
Petrigno, Peter
Query, Joshua
Newman, Sue
Stack, Kathryn
Toomey, Dan
Thomas, Wendy

Baroody, Benjamin
Bosman, James
Cohen, Bruce
Dargie, Paul
Espitia, Manny
Griffith, Willis
Herbert, Christopher
Klee, Patricia
Leishman, Peter
Martin, Joelle
Nutter-Upham, Frances
Pickering, Daniel
Newman, Ray
Shaw, Barbara
Stevens, Deb
Vail, Suzanne
Wilhelm, Matthew

MERRIMACK

Bartlett, Christy
Fox, Samantha
Lane, Connie
Moffett, Howard
Rogers, Katherine
Schultz, Kristina
Walz, Mary Beth

Carson, Clyde
Fulweiler, Joyce
Luneau, David
Myler, Mel
Saunderson, George
Soucy, Timothy
Wazir, Safiya

Doherty, David
Horn, Werner
MacKay, James
Pimentel, Roderick
Schamberg, Thomas
Turcotte, Alan
Wells, Kenneth

Ebel, Karen
Karrick, David
McWilliams, Rebecca
Rodd, Beth
Schuett, Dianne
Wallner, Mary Jane
Woods, Gary

ROCKINGHAM

Altschiller, Debra
Cahill, Michael
Dolan, Tom
Grossman, Gaby
Loughman, Tom
McConnell, Liz
Ward, Gerald

Berrien, Skip
Cali-Pitts, Jacqueline
Edgar, Michael
Grote, Jaci
Maggiore, Jim
Meuse, David
Warner, Anne

Bunker, Lisa
Cushing, Robert Renny
Eisner, Mary
Murray, Kate
Malloy, Dennis
Pantelakos, Laura

Bushway, Patricia
DiLorenzo, Charlotte
Gilman, Julie
Le, Tamara
McBeath, Rebecca
Read, Ellen

STRAFFORD

Bixby, Peter
Ellis, Donna
Horrigan, Timothy
Opderbecke, Linn
Sandler, Catt
Treleaven, Susan

Cannon, Gerri
Fargo, Kristina
Kenney, Cam
Schmidt, Peter
Southworth, Thomas
Wall, Janet

Chase, Wendy
Fontneau, Timothy
Levesque, Cassandra
Rich, Cecilia
Spang, Judith

Conley, Casey
Grassie, Chuck
Smith, Marjorie
Salloway, Jeffrey
Towne, Matthew

SULLIVAN

Cloutier, John
Stapleton, Walter

Merchant, Gary
Sullivan, Brian

O'Hearne, Andrew

Oxenham, Lee

NAYS - 146**BELKNAP**

Aldrich, Glen
Fields, Dennis
Plumer, John

Bean, Harry
Howard, Raymond
Sylvia, Michael

Comtois, Barbara
Jurius, Deanna
Tilton, Franklin

Feeney, George
Mackie, Jonathan
Varney, Peter

CARROLL

Avellani, Lino
MacDonald, John

Buco, Thomas
Marsh, William

Comeau, Ed
Nelson, Bill

Cordelli, Glenn
Ticehurst, Susan

CHESHIRE

Hunt, John

O'Day, John

COOS

Craig, Kevin

Furbush, Michael

Merner, Troy

GRAFTON

Hennessey, Erin

Ladd, Rick

Migliore, Vincent Paul

HILLSBOROUGH

Lekas, Alicia
 Belanger, James
 Burt, John
 Fedolfi, Jim
 Graham, John
 L'Heureux, Robert
 McLean, Mark
 Plett, Fred
 Renzullo, Andrew
 Lekas, Tony

Alexander, Joe
 Bergeron, Paul
 Camarota, Linda
 Flanagan, Jack
 Greene, Bob
 Ober, Lynne
 Notter, Jeanine
 Proulx, Mark
 Rice, Kimberly
 Ulery, Jordan

Griffin, Barbara
 Boehm, Ralph
 Danielson, David
 Gagne, Larry
 Hinch, Richard
 Lascelles, Richard
 Nunez, Hershel
 Prout, Andrew
 Sanborn, Laurie
 Warden, Mark

Barry, Richard
 Burns, Charles
 Erf, Keith
 Gould, Linda
 Hopper, Gary
 Marzullo, JP
 Panasiti, Reed
 Ober, Russell
 Somero, Paul
 Whittemore, James

MERRIMACK

Allard, James
 Kotowski, Frank
 Yakubovich, Michael

Ellison, Arthur
 Marple, Richard

Hill, Gregory
 Pearl, Howard

Klose, John
 Seaworth, Brian

ROCKINGHAM

Abbas, Daryl
 Baldasaro, Al
 Davis, Dan
 DeSimone, Debra
 Gay, Betty
 Hobson, Deborah
 Janvrin, Jason
 Love, David
 Major, Norman
 Milz, David
 Potucek, John
 Sytek, John
 Wallace, Scott

Abrami, Patrick
 Barnes, Arthur
 Thomas, Douglas
 Doucette, Fred
 Green, Dennis
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Lovejoy, Patricia
 McBride, Everett
 Owens, Becky
 Pratt, Kevin
 Torosian, Peter
 Welch, David

Abramson, Max
 Bershtein, Alan
 DeClercq, Edward
 Edwards, Jess
 Guthrie, Joseph
 Osborne, Jason
 Khan, Aboul
 Griffin, Mary
 McMahon, Charles
 Packard, Sherman
 Roy, Terry
 True, Chris
 Weyler, Kenneth

Acton, Dennis
 Costable, Michael
 Desilets, Joel
 Elliott, Robert
 Harb, Robert
 Janigian, John
 Kolodziej, Walter
 Pearson, Mark
 Melvin, Charles
 Piemonte, Tony
 Pearson, Stephen
 Verville, Kevin
 Yokela, Josh

STRAFFORD

Harrington, Michael
 Kittredge, Mac
 Rooney, Abigail

Hayward, Peter
 McNally, Jody
 Vincent, Kenneth

Horgan, James
 Perreault, Mona
 Wuelper, Kurt

Keans, Sandra
 Pitre, Joseph

SULLIVAN

Aron, Judy
 Rollins, Skip

Callum, John
 Smith, Steven

Laware, Thomas

Lucas, Gates

and the majority committee report was adopted and ordered to third reading.
 Reps. Wolf and Campion declared conflicts of interest and did not participate.

HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edith Tucker for Ways and Means. This bill consolidates the wetlands and shoreland review fund and terrain alteration fund into a single water resources fund. It also adjusts the fees charged to current and near-future needs of the Water Division of the Department of Environmental Services (DES). DES permits are issued within a federal framework of water permits managed by the U.S. Army Corps of Engineers, whose representative visits DES weekly to ensure permits are properly handled. Our state and the construction industries have a major stake in making the permitting process efficient, effective, and speedy. A bill last session mandated a 50/75-day time limit before a permit would be automatically granted regardless of compliance but provided no additional resources. As a fee-driven agency, DES cannot hire additional staff without generating the income to do so. As a result, the agency has depleted its reserve fund in order to employ the 33 people needed to meet the mandated time limits. If they are not met, the Army Corps would issue its own permits in our state, substituting its more cumbersome, costly, and time-consuming process. DES' fees were last changed in 2007, with a promise to keep to 75/105 days. Costs of both staff and overhead have risen substantially in the intervening 12 years and legislative mandates have also increased, making DES fall behind. The bill as introduced sought a 115% fee increase plus authority to set fees through rules. The Ways and Means Committee is opposed on principle to setting fees through rules. After analyzing historical and current DES data, including the Governor's budget data, the committee agreed to a 74% fee increase with

no rules authority. Assuming there are no large unforeseen changes, this should allow DES to function well until 2023, or possibly 2025. The construction industries, for whom time is money, have neither supported nor opposed passage of this bill, but have remained silent. Vote 20-0.

Amendment (1287h)

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

1 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b) and (c) as follows:

(b) The application fee for shoreline structure projects shall be ~~[\$200]~~ **\$400** plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be ~~[\$2]~~ **\$4** per square foot for permanent dock surface area; ~~[\$1]~~ **\$2** per square foot for seasonal dock surface area; and ~~[\$.20]~~ **\$.40** per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be ~~[\$200]~~ **\$400**.

(c) The application fee shall be ~~[\$200]~~ **\$400** for minimum impact dredge and fill projects ~~[under this chapter]~~ **and for non-enforcement related publicly funded and supervised restoration projects as defined by rules, regardless of impact classification, if undertaken by other than the person or persons responsible for causing the restoration to be needed.** The application fee for all projects under this chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be ~~[\$.20]~~ **\$.40** per square foot of proposed impact, with a minimum fee of ~~[\$200]~~ **\$400** for all such projects that impact fewer than ~~[1,000]~~ **600** square feet.

2 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to ~~[the]~~ wetlands ~~[of the state]~~ **under RSA 482-A**, ~~[and]~~ protected shorelands under RSA 483-B, **alteration of terrain under RSA 485-A:17**, conducting field investigations, and holding public hearings. Such fees **and any monetary grants, gifts, donations, or interest generated by these funds** shall be **deposited with and** held by the treasurer in a nonlapsing fund identified as the ~~[wetlands and shorelands review]~~ **water resources fund**.

3 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend RSA 482-A:3, X(a) to read as follows:

(a) The maximum cash application fee for the New Hampshire department of transportation shall be ~~[\$10,000]~~ **\$30,000** per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

4 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications. Amend RSA 482-A:3, XIV(b)(1) to read as follows:

(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. **The time limits prescribed by this paragraph shall not apply to applications submitted by the department of transportation, for which time limits shall be set by a memorandum of agreement between the commissioner of the department of environmental services and the commissioner of the department of transportation.** If the department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

5 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications. Amend RSA 482-A:3, XIV(e) to read as follows:

(e) **Any request for an amendment to an application or permit shall be submitted to the department on the appropriate amendment form.** Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, ~~[relocates the proposed footprint of the permitted fill or dredge area,]~~ includes a prime wetland, or ~~[surface waters of the state, includes a wetland of a different classification as classified by the department, or includes non-wetland areas requiring permits for filling and dredging]~~ **elevates the project's impact classification.** This meaning of "significant amendment" shall not apply to an application amendment that is in response to a request from the department.

6 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

XIV-a.(a) With the exception of permits issued under subparagraph (b) *or paragraph XIV-b*, all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department **by submitting the information required in rules adopted by the department**. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

(1) The permit for which extension is sought has not been revoked or suspended without rein-statement.

(2) Extension would not violate a condition of law or rule *other than that established in this paragraph relative to permit duration*.

(3) The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit.

(4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

(b) Any permit issued to repair or replace shoreline structures to maintain the integrity and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the permit was issued as long as any work performed after the initial permitted work complies with the following:

(1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

(2) All structures are repaired or replaced to the original permitted location and configuration.

(3) All significant work is reported to the department in accordance with the reporting requirements for the original permit.

(c) After review, if the department determines that a request to extend a permit for a major project in public waters meets the stated criteria, the department shall submit the request to the governor and executive council with a recommendation that the request be approved. The department shall issue decisions on all other extension requests.

7 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the introductory paragraph of RSA 482-A:3, XV(b):

(b) ~~[Appropriate]~~ **The utility provider shall provide an annual** notice to the department, *which* shall include the following information:

8 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA 482-A:3, XV(d) to read as follows:

(d) A ~~[one-time annual]~~ **non-refundable** filing fee of ~~[\$200]~~ **\$400** per town~~[-not to exceed a maximum of \$10,000;]~~ per year shall accompany the notice to the department. Such fees shall be held in accordance with paragraph III.

9 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

XVIII. The department shall develop ~~[an installer's]~~ **a certification program for culvert maintainers**, in accordance with paragraph XVII, and shall determine the educational requirements for certification, including continuing education requirements. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. All certified individuals who perform such work shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

XIX. The department shall issue ~~[an installer's permit]~~ **a culvert maintainer certificate** to any individual who submits an application provided by the department, and has satisfactorily completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ **Initial certificates** shall be ~~[issued]~~ **valid through December 31 of the year following the year of issue. Renewal certificates shall be valid** from January 1 ~~[and shall expire]~~ **through** December 31 of every other year. Permits shall be renewable upon proper application, and documentation of compliance with the continuing education requirement of paragraph XVIII. The installer's permit may be suspended, revoked, or not renewed for just cause, including, but not limited to, the installation of culverts in violation of this chapter or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke, or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-O:14.

10 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

(d) The certification shall be valid for one year from the date of issuance and may be renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be \$50. The department shall not issue a certification or a renewal certification if the required fee is not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ **water resources fund** established in RSA 482-A:3, III.

11 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

II. A separate, non-lapsing account shall be established within the fund into which all administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time positions]~~ for administration of the fund, **including staff**, and **aquatic resource mitigation** related projects. ~~[No other fund moneys shall be used for state personnel costs.]~~

12 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory paragraph of RSA 483-B:5-b, VI:

VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department **by providing such information as is required by rules adopted pursuant to RSA 541-A**. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

13 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b) to read as follows:

(b) The permit application fee shall be ~~[\$100]~~ **the base fee specified in this subparagraph** plus **an impact fee of** ~~[\$.10]~~ **\$.20** per square foot of area affected by the proposed activities and shall be deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:~~

~~(1)]~~ For projects that qualify for permit by notification under this paragraph or RSA 483-B:17, X, ~~[\$100],~~ **the base fee shall be \$200** for restoration of water quality improvement projects, and ~~[\$250]~~ **the base fee shall be \$400** for all other permit by notification projects.

~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by notification, \$750.~~

~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

14 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA 483-B:6, II to read as follows:

II. In applying for approvals and permits, pursuant to paragraph I, applicants shall demonstrate that the proposal meets or exceeds the development standards of this chapter. The department shall develop minimum standards for information to be required on or with all applications under paragraph I. The department or municipality shall grant, deny, or attach reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) **and RSA 483-B:5-b**, to protect the public waters or the public health, safety, or welfare. Such conditions shall be related to the purposes of this chapter.

15 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

II.(a) The department shall charge a fee for each review of plans, including project inspections, required under this section. The **plan review** fee shall be based on the ~~[extent of contiguous]~~ **total** area to be disturbed. Except for **property subject to** RSA 483-B:9, the fee for **review of** plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be ~~[\$1,250]~~ **\$3,125**. For the ~~[purposes of]~~ **property subject to** RSA 483-B:9, the fee for **review of** plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be ~~[\$1,250]~~ **\$3,125**. An additional fee of ~~[\$500]~~ **\$1,250** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No ~~[permit]~~ **application** shall be ~~[issued]~~ **accepted** by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the ~~[terrain alteration]~~ **water resources** fund established in ~~[paragraph H-a]~~ **RSA 482-A:3, III**.

(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per square foot fee for each request to amend a permit that requires plans to be reviewed.

16 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as follows:

(131) Moneys deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund **established** under RSA 482-A:3, III.

17 Repeal. The following are repealed.

I. 2008, 5:27, I, relative to repealing permit application fees.

II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for maintenance to existing utility services.

IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

18 Effective Date.

I. Paragraph I of section 17 of this act shall take effect June 30, 2019.

II. The remainder of this act shall take effect July 1, 2019.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Ley 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, Thursday, April 11, 2019 at 10:00 a.m.
Motion adopted.

LATE SESSION

Third Reading and Final Passage

HB 508, establishing a committee to study direct primary care.
HB 113, relative to qualifications for and exceptions from licensure for mental health practice.
HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax.
HB 407-FN, clarifying the non taxability of certain telecommunications devices and equipment.
HB 620-FN, relative to the penalty fee structure for late premium tax payments.
HB 625-FN, relative to an aquatic invasive species decal for boats.
HB 564, relative to possession of firearms on school property.
HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations.
HB 696-FN, establishing a protective order for vulnerable adults.
HB 116-FN, relative to the job classification of positions in the retirement system.
HB 120-FN, relative to the regulation of body art establishments and massage, reflexology, structural integrator and Asian bodywork therapy establishments.
HB 457-FN, establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives.
HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system.
HB 295-FN-A, establishing a special marriage officiant license.
HB 481-FN-A-L, relative to the legalization and regulation of cannabis and making appropriations therefor.
HB 641-L, allowing municipalities to collect an occupancy fee from operators of local room rentals.
HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees.

UNANIMOUS CONSENT

Rep. Horrigan requested Unanimous Consent of the House regarding an apology and addressed the House.

REMARKS

Rep. Horrigan: Thank you very much, Mister Speaker. Last week I made an inappropriate comment during a committee executive session. That was disrespectful and disruptive. I am very sorry. I will not do anything like that again. I apologize to you, Mister Speaker. I apologize to all of our colleagues, all of you out here and especially apologize to the member from Goffstown whose remarks I interrupted. Once again, I am very sorry.

UNANIMOUS CONSENT

Rep. Rung requested Unanimous Consent of the House regarding Merrimack High School's Science Olympiad and joined by the Merrimack Delegation and addressed the House.

REMARKS

Rep. Rung: Thank you, Mister Speaker. We all know that science, technology, math and engineering education, known as STEM is very important to the prosperity of our state now and in the future. As leaders of New Hampshire we should take every opportunity we can to celebrate successes from STEM education and that's why we are all here today to congratulate Merrimack High School Science Olympiad Team. They won their 10th State Championship and are going on to the Nationals in June. So, thank you. Thank you, Mister Speaker.

UNANIMOUS CONSENT

Rep. Burt requested Unanimous Consent of the House regarding the continuation of Hot Dog Day and addressed the House.

MOTION TO PRINT REMARKS

Rep. Notter moved that the remarks made by Rep. Burt during Unanimous Consent be printed in the Permanent Journal.
Without objection, the Speaker ordered.

REMARKS

Rep. Burt: Thank you, Mister Speaker. Mister Speaker, I do want to talk about Hot Dog Day. I am shocked that we are in 8 years, 8 years Mister Speaker, of Hot Dog Day. I just cannot believe it. Last year Mister Speaker, we gave over 1,170 hot dogs away. We had 15 gallons of ice cream. We had hundreds of pounds of potato salads. We had one good friend Rep of mine and he donated 150 pounds of potato salad one time and

then all of you guys donated. My wife says oh God what are we going to do, we have way too much? That was the year that we ran short. It was the only year we ran short and she is screaming at me that we are out of everything. It was just funny seeing her face. The last several years, we have hit over 700 people showing up. Mister Speaker, I have had partisan groups call me and offer me, not me, I want to make sure I am still in compliance, offer the dog group that is hosting Hot Dog Day because that is how this works, a lot of money if they could set up a table out front. I have always denied them because Mister Speaker, why I deny them is because I treat every one of you in here as friends. I want Hot Dog Day to remain nonpartisan. It is the only way I feel it is going to work. So, even though I am losing, the dog groups are losing money because of this, I just feel it is the right thing. Mister Speaker, over the last 7 years there has been 7 dog groups here and we have raised over \$30,000. Getting toward the end. Now, politics is politics. This needs to be said. I am very passionate about a few things. I don't know if you have noticed, but what I feel any of you, when you are speaking at the well and I disagree with you, after that vote, we are friends again. That is the only way 400 of us in this House can survive is to stay friends. Now, I feel sad saying this, but my wife thinks 10 years is long enough for John Burt to be here. So, this looks like this is going to be my last term and with that said, I would like to start a committee to hopefully see if Hot Dog Day can survive without me because I am telling you it's a lot of work. It is hugely. You know my wife at 10:00 that morning she takes over and I don't know how she does it and how she serves so many people instantly. I mean it is quick. The months prior, which I am working on now, it takes a tremendous amount of work and I don't mind. I love doing it, but bottom line I hope Hot Dog Day survives after me. So, what I would like to do is I want to send out an email to all of us, all Reps and I hope when I set up a date and time to have a meeting, that we can get both sides to attend and then start talking about how we keep Hot Dog Day moving forward. If it doesn't, it doesn't, but I hope it does. Thank you, Mister Speaker.

RECESS MOTION

Rep. Ley 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.

Motion adopted.

The House recessed at 4:00 p.m.

RECESS